



COMMONS REGISTRATION ACT 1965

Reference Nos. 262/D/316-318

In the Matter of Bootle Fell,
Bootle

DECISION

These disputes relate to the registration at Entry No. 1 in the Rights Section of Register Unit No. CL 8 in the Register of Common Land maintained by the Cumbria County Council and are occasioned by three Objections-No. 7 made by H. Coward, No. 18 made by M. B. Butler Cole and No. 6 made by Bootle Parish Council, respectively noted in the Register on 16 September 1970, 28 September 1970 and 16 September 1970.

I held a hearing for the purpose of inquiring into the disputes at Whitehaven on 26 November 1980. The hearing was attended by Mr I L McWilliam, Land Agent, representing Mr W Richardson, the applicant for registration of Entry No. 1 in the Rights Section: by Mr H. B. Jones of the Treasury Solicitor's Office, representing the Ministry of Defence: and by Mr Greer of the Registration Authority.

Entry No. 1 is of a right of pasturage on Bootle Fell and the Objections all alleged that the number of animals was excessive. It appeared that Mr Butler Cole (Objection No. 18) had sold his property, carrying rights of stint on the Fell, to the Ministry of Defence.

Agreement had been reached that Entry No. 1 should be confirmed but modified to a right to graze 9 stints (1 stint equalling 5 ewes and followers or 1 cow). I confirm the registration modified accordingly. I was informed that Mr Coward (Objection No. 7), who is the Secretary of Bootle Fell Reeves, and the Parish Council accepted that whilst Bootle Fell wall is in disrepair sheep will stray from Fellside and Black Coombe Common.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated

12 January

1981

L. J. Mann Smith

Commons Commissioner