



In the Matter of Breaks Moss and Broomhill Moss,
Irthington, Cumbria (No. 1)

DECISION

These disputes relate to the registration at Entry No. 1 in the Land section of Register Unit No. CL 462 in the Register of Common Land maintained by the Cumbria County Council and are occasioned by Objection No. 124 made by Mr H J Bell, Objection No 105 made by Capt P D Johnson, Objection No 136 made by Mr T S Simpson, and Objection No. 141 made by Mrs E J Jardine and all noted in the Register on 4 August 1972.

I held a hearing for the purpose of inquiring into the dispute at Carlisle on 7 April 1981. The hearing was attended by Mr P Rigby, solicitor, on behalf of Mr M C Halton and Mr A D Duncan, the applicants for the registration, by Mr J Hawks, solicitor, on behalf of Major (formerly Capt) Johnson, by Mr P James, solicitor on behalf of Mr Simpson, and by Mr D J W Mawson, solicitor, on behalf of Mr T Jardine, the successor in title of Mrs Jardine. There was no appearance by or on behalf of Mr Bell.

Mr Rigby informed me that he had been instructed not to support the registration.

In these circumstances I refuse to confirm the registration.

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 this

30th

day of

April

1981

Chief Commons Commissioner