



In the Matter of Crosby Ravensworth Fell, Crosby  
Ravensworth, Orton and Shap Rural, Cumbria (No. 4)

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DECISION

This dispute relates to the registration at Entry No. 30 in the Rights Section of Register Unit No. CL 10 in the Register of Common Land maintained by the Cumbria County Council and is occasioned by Objection No. 2/116 made by the Crosby Ravensworth Commoners Association and noted in the Register on 18 August 1971.

I held a hearing for the purpose of inquiring into the dispute at Penrith on 24 April 1980. The hearing was attended by Mr John Trenhaile, of Counsel, on behalf of Mr C H Bagot, one of the applicants for the registration and by Mr J T Ralph, the Secretary of the Objectors.

After hearing the evidence adduced by Mr Trenhaile, Mr Ralph said that while, as stated in the Objection, none of the land mentioned in column 5 of the registration lay within the Crosby Ravensworth, he accepted that the right registered had become attached to the land by prescription.

In these circumstances I confirm the registration.

Mr Trenhaile asked for an order for costs. There was some inconclusive correspondence between Mr Bagot's agents and Mr Ralph in January and February 1973, followed by silence until 24 March 1980, when the agents wrote to Mr Ralph stating that they had an unbroken chain of living evidence that the rights had been exercised since the 1920's. Mr Ralph did not reply to this letter because he wished to hear the evidence. I have come to the conclusion that this is a case in which each side should bear its own costs.

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

5<sup>th</sup>

day of

June

1980

Chief Commons Commissioner