



COMMONS REGISTRATION ACT 1965

Reference No. 262/D/384

In the Matter of Deepdale Common, Patterdale,
Cumbria (No.1)

DECISION

This dispute relates to the registration at Entry No 1 in the Land Section of Register Unit No.CL.160 in the Register of Common Land maintained by the Cumbria County Council and is occasioned by the conflicting registration at Entry No 1 in the Land Section of Register Unit No.CL.57.

I held a hearing for the purpose of inquiring into the dispute at Penrith on 29 October 1980. The hearing was attended by Mr D Mellor, Solicitor on behalf of Mrs S M McCosh, the applicant for the registration, and for Ms E A Little, and Miss M A Robinson, the applicants for registrations in the Rights Section of both Register Units.

The conflict is more apparent than real. After the land comprised in Register Unit No.CL.57 had been registered a part of it was registered again as part of Register Unit No.CL.160. This was clearly an error on the part of the former Westmorland County Council as registration authority. The result is that the registration the subject of this reference is invalid in so far as it relates to the land comprised in CL.57.

For these reasons I confirm the registration the subject of this reference with the following modification, namely, the exclusion of the land comprised in Register Unit No.CL.57.

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

17th

day of

November

1980


 Chief Commons Commissioner