



COMMONS REGISTRATION ACT 1965

Reference Nos. 262/D/496-497

In the Matter of Haverigg Benthill,
 near Millom

DECISION

These disputes relate to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 358 in the Register of Common Land maintained by the Cumbria County Council and are occasioned by Objection No. 115 made by P L Hunter and Eleanor Hunter and Objection No. 116 made by F Mawson and Amy Mawson and both noted in the Register on 4 August 1972.

I held a hearing for the purpose of inquiring into the disputes at Whitehaven on 25 November 1980. The hearing was attended by Mr Greer of the Registration Authority and by Mr C Vane, of Counsel, appearing on behalf of the Earl of Lonsdale.

The registration was made on the application of the Earl of Lonsdale, who is provisionally registered as owner of the land in question ("the Unit land"). The Objections relate to two areas which the respective Objectors claim to have purchased. Mr Vane told me that his client accepts the Objections, and though the two areas objected to do not constitute the whole of the Unit land, that it was considered that confirmation of the registration of the whole should be refused. There are no entries in the Rights Section and no supporting applications for registration as common land and as I gather the registration was in the nature of a mistake, I propose to accede to the application to refuse confirmation of the registration, and this I do.

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

15 December

1980

L. J. Morris Smith

Commons Commissioner