

COMMONS REGISTRATION ACT 1965



Reference No. 262/D/854

In the Matter of Kirkland Fell, Culgaith,  
Cumbria (No. 2)

DECISION

This dispute relates to the registration at Entry No. 2 in the Ownership Section of Register Unit No. CL 127 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 same Section of the Register Unit.

I held a hearing for the purpose of inquiring into the dispute at Penwith on 25 March 1984. The hearing was attended by Mr K G Walker, Solicitor, on behalf of Mr J K Stamper, the applicant for the registration, and by Mr A M Reid, Solicitor, on behalf of Mrs J J H Curwen and Mrs D E H Stockley, the successors in title of Mr R M Moser, the applicant for the conflicting registration.

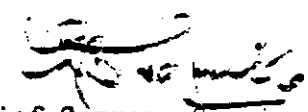
Particulars of the titles of Mr Walker's and Mr Reid's clients to parts of the land comprised in the Register Unit are set out in my decision in In the Matter of Kirkland Fell, Culgaith (No. 1) (1984), Ref. No. 262/D/853.

The parties put before me an agreed plan showing the boundary between their respective properties.

In these circumstances I confirm the registration with the following modifications, namely, the exclusion of a triangle of land to the north of the line 2-3-4 on the agreed plan and the addition of the triangle of land to the south of the line 4-5 on the plan.

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 22 day of June 1984

  
Chief Commons Commissioner