



In the Matter of Latter Borrow Parish Quarry,
Emnerdale and Kinniside, Copeland B

DECISION

This dispute relates to the registrations at Entry No. 1 in the Land Section and Entries Nos. 1, 2 and 3 in the Ownership Section of Register Unit No. CL 107 in the Register of Common Land maintained by the Cumbria County Council. It is occasioned by Objection No. 70 made by the Minister of Agriculture Fisheries and Food, noted in the Register on 29 September 1970 and by the conflicts between the three registrations in the Ownership section of the Register Unit.

I held a hearing for the purpose of inquiring into the dispute at Whitehaven on 22 July 1981. The hearing was attended by Miss Braddock, Solicitor, on behalf of the Objector: by Mr Rawling of and representing Emnerdale and Kinniside Parish Council: and by Mr T Greer of the Registration Authority. The registration in the Land Section was made on the application of the Parish Council, and there was also an application for such registration by the Minister of Agriculture. There are no rights registered and the Entries in the Ownership Section are No. 1 by the Parish Council, No. 2 by the Earl of Lonsdale and No. 3 by the Minister of Agriculture: Nos. 1 and 2 both claim ownership of the whole of the Unit land, No. 3 part only.

It emerged at the hearing that the Objection in fact was directed to the registrations Nos. 1 and 2 in the Ownership Section, and it was not pursued as an Objection to the Land Registration (which as I have said, was applied for by the Minister as well as by the Parish Council): I shall accordingly confirm the registration in the Land Section.

As regards the registrations in the Ownership Section, Lord Lonsdale's Solicitors had written withdrawing his application and I refuse to confirm the registration at Entry No. 2. It was agreed between the Parish Council and the Minister that the latter's claim to ownership of part of the Unit land be confirmed. The part in question is not that stated in the Register, which it appears was entered in error, but "the part of the Unit land not edged blue on the Register map". I shall therefore confirm the registration at Entry No. 3 modified by substituting those words in Column 4 in place of the existing words: and I shall confirm the registration by the Parish Council at Entry No. 1 modified by substituting for the existing words in Column 4 the words "the part of the Unit land edged blue on the Register map".

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

14 August

1981

L. J. Harris Smith

Commons Commissioner