



In the Matter of Newton Moss, Skinburness and Calvo Marshes in the Parishes of Holme Abbey, Holme Low and Holme St Cuthbert, Allerdale D

DECISION

These disputes relate to the registrations at the Entries in all three sections of Register Unit No. CL 459 in the Register of Common Land maintained by the Cumbria County Council and are occasioned by five Objections and by the conflicting registrations at Entry No. 1 and at Entries Nos. 2, 3 and 4 in the Ownership section.

The Objections are (1) No. 198 by J B and C G Irving
 (2) No. 204 by L M Hill, G C Carr and W E Hill
 (3) No. 209 by J T Wills
 (4) No. 210 by J T Wills
 (5) No. 206 by J E Hurst, all noted in the Register on 4 August 1971

I held a hearing for the purpose of inquiring into the disputes at Keswick on 20 May 1981. The hearing was attended by Mr T Wallis, Solicitor, appearing for Mr J E Hurst and for Mrs J Littleton, applicant for registration at Entry No. 3 in the Ownership section: by Mr N Hetherington, Solicitor, appearing for Mr W S Routledge applicant for registration at Entries Nos. 2 and 4 in the Ownership section: and by Mr Greer of the Registration Authority.

The registration at Entry No. 1 in the Land Section was made on the application of the Trustees of the Standish Settled Estates. There is one registration in the Rights Section made on the application of L M Hill and Margaret Hill. These applicants did not appear at the hearing, but a letter had been received from Solicitors acting for them to the effect that the applications were in both cases withdrawn.

In these circumstances I refuse to confirm the registrations in the Land Section and the Rights Section: the registrations in the Ownership Section will be cancelled, pursuant to Section 6(3) of the Act of 1965.

I am required by regulation 50(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

1st June

1981

L. J. Harris Smith

Commons Commissioner