



In the Matter of Sandbeds Quarry, Bassenthwaite,
Cumbria

DECISION

This dispute relates to the registration at Entry No. 1 in the Land section of Register Unit No. CL 220 in the Register of Common Land maintained by the Cumbria County Council and is occasioned by Objection No. 161 made by the Bassenthwaite Parish Council and noted in the Register on 4 August 1972.

I held a hearing for the purpose of inquiring into the dispute at Keswick on 11 November 1980. The hearing was not attended by any person entitled to be heard. However, Mr J Fryer Spedding, the applicant for the registration in the Ownership section of the Register Unit, appeared in person, and I am grateful to him for his assistance.

The applicant for the registration was the Bassenthwaite Parish Council, which is also the Objector. This apparent inconsistency on the part of the Parish Council appears to be due to a clerical error. In the line of the form of objection containing the words "Land/Rights/Ownership" the words "Rights/Ownership" have been struck out, but the grounds of the Objection are stated to be:-

"That the land has been the property of the Bassenthwaite Parish Council and parishioners have had the use of its amenities for upwards of "100 - 150 years".

It would therefore appear that the Objection was really directed to the registration in the Ownership section and that the word "Land" should have been struck out instead of the word "Ownership". This is borne out by a letter dated 21 June 1976 from the Parish Council's solicitors to Mr Fryer Spedding's solicitors, in which it was stated that the Objection was "withdrawn", for the Parish Council's solicitors could only have written such a letter if they had been instructed that the Parish Council had objected to Mr Fryer Spedding's registration.

For these reasons I confirm the registration.

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

21st

day of

November

1980

CHIEF COMMONS COMMISSIONER