



COMMONS REGISTRATION ACT 1965

Reference No. 262/D/640-642

In the Matter of The Saltings and Foreshore of the  
Rivers Mite and Esk, Muncaster, Copeland B

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 437 in the Register of Common Land maintained by the Cumbria County Council and is occasioned by an Objection made by British Rail and Objection No. 154 made by Crown Estate Commissioners both noted in the Register on 4 August 1972 and also by the conflicting registration at Entry No. 1 in the Land Section of Register Unit No. VG 110 in the Register of Town or Village Greens maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Whitehaven on 22 July 1981. The hearing was attended by Mr H Longley, Clerk to Muncaster Parish Council (the applicant for registration): by Mrs S Johnson the applicant for the VG registration: by Mr D Stubbington, Surveyor, of British Rail: by Mr B C Maddocks of Counsel, appearing on behalf of Crown Estate Commissioners: and by Mr T Greer of the Registration Authority.

As appears in my Decision on VG 110 (Ref: 262/D/643-644) it was agreed that the VG registration should be confirmed and the CL registration cancelled. Accordingly I refuse to confirm this registration.

~~For these reasons I refuse to 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 23<sup>rd</sup> day of September 1981.

*L. J. Morris Smith*

Commons Commissioner