

COMMONS REGISTRATION ACT 1965



Reference No. 211/D/144

In the Matter of Muggleswick Common,
Muggleswick, Co. Durham, (No. 4)

DECISION

This dispute relates to the registration at Entry No. 11 in the Rights Section of Register Unit No. CL 75 in the Register of Common Land maintained by the Durham County Council and is occasioned by Objection No. 158 made by Sir Arthur Collins and others and noted in the Register on 12 October 1972.

I held a hearing for the purpose of inquiring into the dispute at Durham on 15 and 16 March 1982. The hearing was attended by Mr R A Bibby, Solicitor, on behalf of Mr and Mrs K J Anderson, the applicants for the registration, and by Mr C J Thompson, Solicitor on behalf of the Objectors.

The registration is of a right to graze 100 cattle and 1000 sheep, to cut turf, gather peat, rushes, bracken and heather burns, and a right of piscary over the whole of the land comprised in the Register Unit.

The grounds of the Objection are that the right does not exist at all as to the produce to be taken, and heather burns, nor a right of piscary, and that the only right should be to graze not more than 420 sheep.

I heard this dispute at the same time as In the Matter of Edmundbyers Common, Edmundbyers (No. 3) (1982), Ref. No. 211/D/113. The only difference between the two cases is that in this case there is no dispute as to the existence of a right to graze sheep, and my reasons for this decision are the same as the relevant reasons set out in my decision in that case.

For these reasons I confirm the registration with the following modifications, namely, the deletion of the words "100 cattle and" and "to cut turf, gather peat, rushes, bracken, and heather burns, and a right of piscary" and the substitution of the figure "450" for the figure "1000", and the addition of the words "being the same right which is also registered in the rights section of register unit No. CL 76 the said right being exercisable over this register unit and over register unit No. CL 76 at the same time provided that the total number of sheep grazed at any one time in pursuance of such right shall not exceed the number aforesaid".

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

8th

day of

April

1982

Chief Commons Commissioner