



COMMONS REGISTRATION ACT 1965

Reference No. 262/D/488

In the Matter of Birkby Fell, near Muncaster,
 Copeland B

DECISION

This dispute relates to the registration at Entry No. 5 in the Rights Section of Register Unit No. ~~CL 68~~ in the Register of Common Land maintained by the Cumbria County Council and is occasioned by Objection No. 100 made by Sir G W Pennington-Ramsden and noted in the Register on 2 October 1970.

I held a hearing for the purpose of inquiring into the dispute at Whitehaven on 23 July 1981. The hearing was attended by Lord Carlisle, appearing on behalf of the Objector, and by Mr T Greer of the registration authority.

A letter written on behalf of the Objector stated that it was wished to withdraw the objection, but Lord Carlisle told me that this was written in error, as in fact it is the rights application which is withdrawn. This has been confirmed in a letter signed by Mrs G A Fowler, the successor to the applicant for the registration and in these circumstances 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 2 November 1981

L. J. Morris Smith

Commons Commissioner