



COMMONS REGISTRATION ACT 1965

Reference No. 262/D/636-639

In the Matter of Bowness Knott Parish Quarry
Ennerdale and Kinniside, Copeland B

DECISION

This dispute relates to the registrations at Entry No. 1 in the Land Section and at Entries Nos 1 and 2 in the Ownership Section of Register Unit No. CL.104 in the Register of Common Land maintained by the Cumbria County Council and is occasioned by Objection No. 69 made by the Minister of Agriculture Fisheries and Food, noted in the Register on 3 October 1970 and by the conflicting registrations at Entries Nos 1 and 2 in the Ownership Section of the Register: Unit.

I held a hearing for the purpose of inquiring into the dispute at Whitehaven on 22 July 1981. The hearing was attended by Miss Braddock, Solicitor, on behalf of the Objector, Mr Rawling of and representing Ennerdale Kinniside Parish Council, and Mr T Greer of the Registration Authority.

The registration in the Land Section was made on the application of the Parish Council, and there was also an application for such registration by the Objector. There are no rights of common registered. In the Ownership Section, Entry No. 1 made on the application of the Parish Council, relates to ownership of the whole of the unit land, and Entry No. 2 made on the application of the Objector relates to part only of that land.

The Objection is in terms to both land and ownership registrations but at the hearing the Objection to the land registration (for which the Objector had applied) was not pursued and I shall confirm that registration. As regards the registrations in the ownership section it was agreed between the parish council and the objector that the registration at Entry No. 2 should be confirmed as to "the part of the land lying to the west of the line AB on the Register Map". (not as at present shown in the register the land to the east of that line), and I shall confirm that registration modified by the words in inverted commas above for the existing words in Column 4. Correspondingly I confirm the Parish Council's registration at Entry No. 1 modified by substituting for the existing words in column 4 the words "the part of the land lying to the east of the line AB on the Register Map".

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 19th day of August 1981

L. J. Morris Smith

Commons Commissioner.