



COMMONS REGISTRATION ACT 1965

Reference No. 262/D/802-820

In the Matter of Brackenthwaite Common, Buttermere Common
and Hobcarton Crags, Lorton and Buttermere

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section and Entries Nos. 1-44 in the Rights Section of Register Unit No. CL 74 in the Register of Common Land maintained by the former Cumberland County Council and is occasioned by four separate objections duly noted in the Register and the conflicting registrations at Entry Nos. 1-5 in the Ownership Section of the same Register Unit.

I held a hearing for the purpose of inquiring into the dispute at Keswick on 6 October 1981. The hearing was attended by Mr H F Devlin on behalf of the National Trust, Mr G Burns for Mrs Burns, Mr Tarrant for Viscount Rochdale, Mr and Mrs Litt in person, Mr G Mendus of Messrs Waugh and Musgrave, Solicitors, of Cockermouth for the Buttermere and Brackenthwaite Community Association and the Melbeck Foxhounds, Mr R A Moss of Messrs Edwin Thompson and Company for the Applicants at Entries Nos. 4, 5, 6, 9, 10, 11, 12, 13, 15 and 16 in the Rights Section and Mr J J Moffatt in person.

It appeared from correspondence between the Registration Authority and the Ministry of Agriculture, Fisheries and Food in September 1981 that the area of which the Ministry claimed ownership at Entry No. 1 in the Ownership Register and in respect of which the Forestry Commission had lodged objections had been deleted from the Register and that the Ministry had withdrawn its application, and the objection of the Forestry Commission.

All the ^{other} objections to applications in the Land and Rights Sections were withdrawn.

Mr Devlin informed me that the National Trust had acquired the interest of the other applicants in the ownership section (other than the Ministry) and has produced documents of title which satisfy me that this is so.

For these reasons I confirm all the registrations in the Land and Rights Section and the registration at Entry No. 7 in the Ownership Section with the substitution for the particulars appearing in column 2 of the words 'the whole of this register unit'. I refuse to confirm any other registration in the Ownership Section.

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

30th

day of

November

1981

George Henkel

Commons Commissioner

