



In the Matter of Drigg Holme, Drigg

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DECISION

These disputes relate to registrations in all three sections of Register Unit No. CL 328 in the Register of Common Land maintained by the Cumbria County Council and are occasioned by the following Objections: (1) Objection No. 138 made by James Steel and Objection No. 160 made by Messrs J S and T S Roberts which are Objections to the registration at Entries No. 1 in the Land Section and at Nos. 1, 2 and 3 in the Rights Section.

- (2) Objection No. 157 made by James Steel and Objection No. 159 made by the Messrs Roberts which are Objections to the registration at Entry No. 1 in the Ownership Section. All the Objections were noted in the Register on 4 August 1972.

There are also conflicting registrations in the Ownership Section between Entries No. 1 and No. 2.

I held a hearing for the purpose of inquiring into the disputes at Whitehaven on 26 November 1980. The hearing was attended by Mr J A H Walker, Solicitor, appearing on behalf of the Objectors: by Lord Carlisle, the Agent of and representing Sir W Pennington-Ramsden, the applicant for registration at Entry No. 1 in the Ownership Section: and by Mr Green of the Registration Authority. None of the three applicants for registration in the Rights Section appeared or was represented.

The registration in the Land Section was made on the application by Mr J W Naylor to register Entry No. 1 in the Rights Section. In the absence of any evidence to support the claimed rights, and of any suggestion that the land is waste land of a manor, I shall refuse to confirm the registration in the Land Section and, consequentially, the registrations in the Rights and Ownership Sections.

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

15 December

1980

*L. J. Morris Smith*

Commons Commissioners