



COMMONS REGISTRATION ACT 1965

Reference No. 262/D/718-722

In the Matter of Eel Crag, Scott Crag, Force Crag
and Long Crag, Above Derwent

DECISION

This dispute relates to the registration in the Land, Rights and Ownership Sections of Register Unit No. CL 251 in the Register of Common Land maintained by the Cumbria County Council and is occasioned by Objections made by Mr and Mrs W Litt and others and duly noted in the Register and the conflicting registration at Entry Nos. 2 and 3 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 Litt in person, Mr A Nobbs of Messrs Oglethorpe and Hough, Solicitors of Keswick who appeared for Mr J W Bell and Mr J W Bennett, Mr Devlin for the National Trust, Mr Moffatt in person, Mr G Barnes for Mrs A Barnes and Mr A Farrant of Messrs Watson Lewis and Co, Land Agents for Viscount Rochdale.

It was agreed that Entry No. 1 in the Land Section should be confirmed subject to the exclusion of the following:- (i) Colghyll House and garden owned by Mr and Mrs Litt, (ii) High Coledale Farm owned by Mr J W Bennett and (iii) The house and garden known as Kinn, The Green, Braithwaite.

Subject to this it was agreed that all registrations in the Rights Section should be confirmed except that at Entry No. 2 which was withdrawn.

Mr Devlin informed me that the National Trust had acquired the interests claimed in the registered unit by the late Lord Egremont and Lake District Farm Estates Limited which had gone into liquidation and has produced documents of title which satisfy me that this is so.

For these reasons I confirm (i) the registration at Entry No. 1 in the Land Section subject to the exclusions mentioned, (ii) the registrations at Entries No. 1 and Nos. 3-22 in the Rights Section and the registration at Entry No. 2 in the Ownership Section, with the substitution for the Particulars appearing in Column 4 of the words 'the whole of this register unit' as hereby modified. The registrations at Entry No. 2 in the Rights Section and Entry Nos. 1 and 3 in the Ownership Section are not confirmed.

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 Hermit

Commons Commissioner