



In the Matter of Kentmere Dale Head Common,
Kentmere, Cumbria

DECISION

This dispute relates to the registration at Entry No 10 in the Rights section of Register Unit No. CL.67 in the Register of Common Land maintained by the Cumbria County Council and is occasioned by Objection No. 2/219 made by Mr Ben Dickinson and noted in the Register on 8 August 1972.

I held a hearing for the purpose of inquiring into the dispute at Kendal on 22 July 1980. The hearing was attended by Mr L Hayton, one of the applicants for the registration, and there was no appearance by or on behalf of the Objector.

The registration is of the right to graze 460 sheep. The Objection stated that the right extended to no more than 100 sheep. However, the Objector's Solicitors stated in a letter dated 31 July 1973, addressed to the registration authority, that the Objection would be withdrawn if the number of sheep were reduced from 460 to 420. Mr Hayton informed me that he and Mr G. Hayton, his co-applicant, were willing to accept the reduction.

In these circumstances I confirm the registration with the following modification, namely, the substitution of "420" for "460". Mr Hayton asked for an order for costs, but I do not consider that this is a proper case for such an order.

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

25th

day of

August

1980

Chief Commons Commissioner