



In the Matter of Kinniside Common, Ennerdale
and Kinniside, Copeland B

DECISION NO. 1

This dispute relates to the registrations at Entries Nos. 3, 4, 22, 23, 25, 33 and 35 in the Rights Section of Register Unit No. CL 110 in the Register of Common Land maintained by the Cumbria County Council and is occasioned by Objection No. 4 made by Kinniside Landowners Association and noted in the Register on 9 September 1970.

I held a hearing for the purpose of inquiring into the dispute at Whitehaven on 21 July 1981. The hearing was attended by Mr F James, Solicitor, appearing on behalf of the Objector: Mr A R Nobbs, Solicitor, appearing on behalf of the respective successors to the applicants to register Entries No. 4 and No. 25: Mr F G Lamble, Solicitor on behalf of the applicants (Mr J H Wilson and Mrs I Wilson) to register Entry No. 22 and the successor (Mr S Wightman) to the applicant to register Entry No. 23: Miss Braddock, Solicitor, on behalf of the applicant to register Entry No. 33: and by Mr T Greer of the Registration Authority.

In the case of Entries Nos. 4, 22, 25 and 33 (after, as regards Entries Nos. 22 and 25, evidence had been called in support of the rights claimed) the Objection was withdrawn and I confirm those registrations. Entry No. 35 (a duplication of Entry No. 22) has, I was told, already been cancelled in the Register so that no decision as regards that Entry is required.

It remains to consider the Objection to Entries Nos. 3 and 23.

Entry No. 3 The applicants for this registration, Mr and Mrs Bowes, were not present or represented. Since the hearing, Solicitors acting for them have applied for the hearing to be re-opened so that their evidence may be presented: I have acceded to this application and accordingly the hearing will be re-opened, at a place and on a date to be notified, to consider the dispute relating to the registration at Entry No. 3.

Entry No. 23 This right of grazing is claimed to be attached to Whitelaw Head Farm of which Mr S Wightman is now the owner: the Conveyance to him dated 2 January 1971 by the applicants for registration included the "right of common on Kinniside appurtenant to (Whitelaw Head Farm)". Mr Wightman giving evidence said that his father as tenant of the Farm had grazed ewes on the Common since 1926 and he himself had grazed ewes as tenant from 1969 to 1971 and thereafter as owner. Mr G B Lawson, the Vice-Chairman of the Graziers Association said that Mr Wightman and his father had sheep grazing. No evidence was called by Mr James in regard to this registration which, in my opinion, has been made out and which accordingly I confirm.



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

5^x

day of

February

1982

L. J. Harris Smith

Commons Commissioner