



COMMONS REGISTRATION ACT 1965

Reference Nos 262/D/19
262/D/20
262/D/21

In the Matter of Rectory Moss,
Angerton, South Lakeland District,
Cumbria

DECISION

These disputes relate to the registrations at Entry No 1 in the Land Section and at Entry No 1 in the Rights Section of Register Unit No CL. 115 in the Register of Common Land maintained by the Cumbria (formerly Lancashire) County Council and are occasioned by Objection No 317 made by Mr Charles Joseph Slater and noted in the Register on 17 May 1972 and by Objection No 396 made by Mr Philip Downing as Chairman of Kirkby Ireleth Commoners Association and noted in the Register on 18 July 1972.

I held a hearing for the purpose of inquiring into the disputes at Kendal on 26 April 1978. At the hearing (1) Mr W D Knipe who is the Secretary of the Kirkby Ireleth Commoners Association, attended in person; and (2) Mr C J Slater was represented by Mr E W Huck solicitor of Thomas Butler & Son, Solicitors of Broughton-in-Furness.

The land ("the Unit Land") in this Register Unit is (according to the Register map) about 450 yards long by about 50 yards wide. The registration in the Land Section was made on the application of the Kirkby Ireleth Commoners Association. The registration in the Rights Section (made on the application of Mr Slater) is of a right attached to Marshfield Farm to graze 50 head of cattle and 50 sheep over the Unit Land and part of the land comprised in an adjoining Register Unit No CL. 114 (such part being a part of Herd House Moss situate northeast of the railway line, an area many times larger than the Unit Land. The grounds of Objection No 396 (Mr Downing) are: "That the right claimed is excessive for the area of the land (5.559 acres), since the claimant is the only person known to have rights of pasture, it is suggested the right should be quantified as follows:- To graze 30 sheep or 6 head of cattle or sheep and cattle together to a limit of 30 gaits, each head of cattle counting as 5 gaits and each sheep as one gait". The grounds of Objection No 317 (Mr Slater) are that the land was not common land at the date of registration.

At the hearing Mr Huck said that Mr Slater now admitted that the Unit Land is common land and was prepared to meet Mr Downing's Objection, if the registration made it clear that the limitation on numbers applied only to the Unit Land and not to the number of animals permitted on the CL. 114 land (Herd House Moss).

After some discussion it was agreed between Mr Knipe and Mr Slater that I should, and there being no reason why I should not act on this agreement, I do, confirm the registration at Land Section Entry No 1 without any modification and confirm the registration at Rights Section Entry No 1 with the modification that in column 4 the following words be added at the end of



the now existing entry: "provided that no more than 6 head of cattle or 30 sheep shall at any one time be grazed on the land comprised in this register unit".

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 15th day of May — 1978

a. a. *B. J. Fuller*

Commons Commissioner