



In the Matter of The Beck, Bewcastle, Cumbria (No. 1)

DECISION

This dispute relates to the registration at Entry No. 1 in the Land section of Register Unit No. CL 305 in the Register of Common Land maintained by the Cumbria County Council and is occasioned by Objection No. 184 made by the Minister of Agriculture, Fisheries and Food and noted in the Register on 4 August 1972.

I held a hearing for the purpose of inquiring into the dispute at Carlisle on 7 April 1981. The hearing was attended by Mr W T Forrester, the applicant for the registration, in person and by Miss A G Braddock, solicitor, on behalf of the Objector.

A small triangular area on the east side of the land comprised in the Register Unit forms part of a larger area which was made subject to a right of turbary by the Inclosure Award made in 1820 under the Black Lyne Common Inclosure Act of 1816 (56 Geo. III, c.71 (private, not printed)).

Miss Braddock and Mr Forrester agreed that Mr Forrester was entitled to a right of turbary over the part of the land comprised in the Register Unit the subject of the Inclosure Award, but not over the remainder of the land comprised in the Register Unit.

In these circumstances I confirm the registration with the following modifications; namely, the exclusion of the land not the subject of the Inclosure Award.

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

25/12

day of

April

1981

CHIEF COMMONS COMMISSIONER