



COMMONS REGISTRATION ACT  
1965

Reference No. 262/D/899-902

In the Matter that part of Dufton Fell,  
Dufton called "the disputed area"

DECISION

These disputes relate to the following registrations in the Rights section of Register Unit No. CL.82 in the Register of Common Land maintained by the Cumbria County Council and are occasioned by the so-called conflicting registrations hereinafter set out:-

<u>Entry No.</u>	<u>Register Unit No.</u>	<u>Occasioned by Entry No.</u>	<u>Register Unit No.</u>
42	CL.82	46	CL.82
46	CL.82	42	CL.82
42	CL.82	30	CL.81
46	CL.82	27	CL.81

I held a hearing for the purpose of inquiring into these disputes at Appleby-in-Westmorland on 9th June 1987. The hearing was attended by Mrs F Harrison appearing for Cumbria County Council the registration authority Mrs K Blue of Messrs. Scott Duff & Co., Penrith on behalf of Mr Robert Thompson Park and by representatives of the commoners whose rights are already finally registered.

I inquired of those present at the hearing why this Register Unit was referred to as "the disputed area". One of the commoners present said that it was probably because a question had arisen whether this area formed part of Knock Fell CL.80 or Dufton Fell CL.81. No one present thought that any such dispute still remained alive.

The facts of this case are precisely similar to those in the case of Dufton Fell CL.81, reference No. 262/D/895-898, which I heard immediately prior to this case, and this decision should be read in conjunction with my decision in that case.

In this case the identical right to graze:-

- (a) 450 ewes and their followers and
- (b) 180 hogs together with the right of turbary over the whole of the land in this register unit together with the whole of the land comprised in register unit CL.81 was registered upon the application both of Mr R T Park as owner of Bow Hall Farm and of Mr J W Dargue as tenant thereof. These double registrations ought not to have been made.

For the reasons given in my decision in respect of CL.81 I will confirm the registration at Entry No. 42 made on the application of Mr Park, and refuse to confirm that at Entry No. 46 made on the application of Mr Dargue.



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

24<sup>th</sup>

day of

June

1987

Mati Rott

Commons Commissioner