



COMMONS REGISTRATION ACT 1965

Reference No. 262/D/305

In the Matter of The Rigg,
Blencarn, Culgaith Parish,
Eden District, Cumbria

SECOND DECISION

This dispute relates to the registration at Entry No. 8 in the Rights Section of Register Unit No. CL322 in the Register of Common Land maintained by the Cumbria (formerly Cumberland) County Council and is occasioned by Objection No. 130 made by Mr Joseph Kenneth Stamper and noted in the Register on 4 August 1972.

I held a hearing for the purpose of inquiring into the dispute at Penrith on 23 October 1980. At the hearing Mr Stamper was represented by Mr T M Arnison, solicitor of Arnison & Co, Solicitors of Penrith; and Mrs Christine Elizabeth French Tudor on whose application the said registration was made, was present in person. At this hearing I was concerned with other registrations, and my decision about these is dated 8 January 1981: I there set out my reasons for adjourning the proceedings so far as they relate to the said registration No. 8 and Objection No. 130.

I held the adjourned hearing at Penrith on 10 March 1982. At this hearing Mr Stamper was represented by Mr Arnison as before.

I have a letter dated 1 March 1982 from Mounsey Bowman & Sutcliffe, Solicitors of Carlisle setting out their understanding of what their client (Mrs Tudor) had agreed with Mr Stamper. Mr Arnison at the hearing produced a letter dated 9 March 1982 to his firm from these Solicitors clarifying the question of "quarrying", and said that his client was agreeable to the registration being modified as set out in these two letters.

In accordance with the said letters I confirm the registration at Rights Section Entry No. 8 with the modification that for all the words in column 4 there be substituted the words set out in the Schedule hereto. Mr Arnison agreed that the writer of the letter of 1 March correctly assumed that I was not concerned with any right of way which Mrs Tudor may have over the land in this Register Unit to reach her property.

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.

SCHEDULE

(words to be inserted in column 4)



The right to cut turf sufficient for domestic needs, including the placing of turfs on the top of boundary walls for protection of same. The right to take surface stones (not being in fact "quarrying" in the accepted sense but merely the gathering of stones) for the maintenance and repair of the boundary walls of the land in this register unit and so that on no condition can such stone be taken away from the said land for any commercial purpose. The right to graze one cow; one horse; one gander with two geese and followers, one pig (ringed) but not a boar; ten sheep or goats; and an indeterminable number of hens provided that the hen-house is kept on the owner of the hens own property and the hens fed there. The said rights (turfs, stones and grazing) to be on The Rigg, Blencarn, comprising the whole of the land in this register unit.

Dated this 11th day of May — 1932

A. A. Baden Feller

Commons Commissioner