



COMMONS REGISTRATION ACT 1965

Reference No. 211/D/84-85

In the Matter of Burnhope Moor,
Stanhope

DECISION

These disputes relate to the registration at Entry Nos. 6, 9, 21 and 22 in the Rights Section of Register Unit No. CL 25 in the Register of Common Land maintained by the Durham County Council, and are occasioned by Objections No. 200 and 201 both made by Mr F Peart and noted in the Register on 24 April 1973.

I held a hearing for the purpose of inquiring into the disputes at Darlington on 25 July 1980. The hearing was attended by Mr L Pattinson, Solicitor appearing on behalf of Mr F Peart, and of Mr J Dalton.

Entry No. 6 is of a right to graze 4 stints and was made on the application of Mr R S Rutherford (who appeared in person) and Entry No. 21 is of a right to graze 2 stints and was made on the application of Mr J Dalton. The Objection was in effect on the ground that there was a duplication as to 2 stints in the Entries, and it was agreed that Entry No. 6 should be confirmed and Entry No. 21 not confirmed. Entry No. 6 is not stated to be attached to any land and it was considered desirable that the Entry should be modified so as to attach it to the land at Wearhead to which Entry No. 21 is attached. Accordingly I confirm the registration at Entry No. 6 with that modification and refuse to confirm the registration at Entry No. 21.

The objection in regard to Entry Nos. 9 and 22 is similarly on the ground of duplication, both being of rights to graze 2 stints. Entry No. 9 was made on the application of Mr W R Walton, who appeared in person and Entry No. 22 on the application of Mr J H Rutherford. I understand that Mr Rutherford has died and no personal representatives have been appointed, but Mr Pattinson informed me that the surviving members of his family are agreeable to what is proposed - namely to confirm the registration at Entry No. 9 and refuse that at Entry No. 22: and this I shall do.

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

15 September

1980

L. J. Munn Smith

Commons Commissioner