

Noted 20.9.68.

CR Form 7

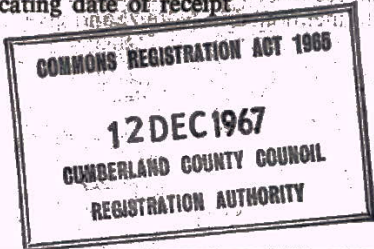
This section for official use only

Official stamp of registration authority indicating date of receipt

Application No. 212.

Register Unit No(s):

CL 58
CL
CL



COMMONS REGISTRATION ACT 1965

Application for the registration of land as common land

IMPORTANT NOTE: Before filling in this form, read carefully the notes on the back. An incorrectly completed application form may be rejected.

Insert name of registration authority (see Note 1).

To the Cumberland County Council

Application is hereby made for the registration as common land of the land described below.

Part 1.

(Give Christian names or forenames and surname or, in the case of a society or other body, the full title of the body. If part 2 is not completed all correspondence and notices will be sent to the applicant.)

Name and address of the applicant.

Eskdale Commoners Association.
Secretary:- Lt-Col. Cyril Esmond DARDIER, OBE
Whinny How, Eskdale,
Holmrook Cumberland.

Part 2.

(This part should be completed only if a solicitor has been instructed for the purposes of the application. If it is completed, all correspondence and notices will be sent to the solicitor.)

Name and address of solicitor, if any.

Part 3.

(See Notes 2, 3 and 4).

Particulars of the land to be registered, i.e. the land claimed to be common land.

Name by which usually known: Eskdale Common
Locality: In the Parish of Eskdale Cumberland.

Coloured YELLOW on each Map respectively:-

6" Ordnance No.	Our Number
NY 10 NE	ECA. 1.
NY 10 SW	ECA. 2.
NY 10 SE ✓	ECA. 3.
NY 20 NW ✓	ECA. 4.
NY 20 SW ✓	ECA. 5.

Delete reference to plan where none is submitted. A plan must be used except as mentioned in Note 4.

Colour on plan herewith

Part 4.


(See Note 7.)

For applications submitted after 30th June, 1968 (to be disregarded in other cases).

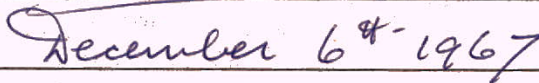
Does the prescribed fee of £5 accompany this application? If not, state whether this is for reason (a) or (b) mentioned in Note 7, and give the appropriate particulars required by that note.

**The application must be signed by the applicant personally, unless the applicant is a body corporate or unincorporate, in which case it must be signed by the secretary or some other duly authorised officer.*

*Signature of applicant or of person on applicant's behalf.



Date



(See Note 5)

Statutory Declaration in Support

To be made by the applicant personally, unless the applicant is a body corporate or unincorporate, in which case the declaration must be made by the person who has signed the application. Inapplicable wording should be deleted throughout.

Insert full name.

I, Cyril Esmond DARDIER
solemnly and sincerely declare as follows:

Strike out this paragraph if it does not apply.
Insert capacity in which acting.

1. I am the person who has signed the foregoing application.
2. I am Secretary to the applicant and am duly authorised by the applicant to make the foregoing application.

Strike out this paragraph if there is no plan.
Insert "marking" as on plan (see Note 5).

3. I have read Notes 2 and 3 on the back of the application form and believe that the land described in the application is common land.
4. The plans now produced and shown to me marked "

ECA	1
ECA	2
ECA	3
ECA	4
ECA	5

 " are the plans referred to in the application.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act 1835.

Declared by the said Cyril Esmond DARDIER

at Broughton-in-Furness
in the County of Lancashire
this 6th day of December 1967

Before me,
Signature Edy... Fetterthwaite
Address Broughton-in-Furness

Qualification A Commissioner for Oaths

REMINDER TO OFFICER TAKING DECLARATION:
Please initial all alterations and mark any plan as an exhibit.

1. Registration authorities

The applicant should take care to submit his application to the correct registration authority. This depends on the situation of the land which is claimed to be common land. Except where there is an agreement altering the general rule (see below), the registration authority for land in an administrative county is the county council; for land in a county borough, it is the county borough council, and for land in Greater London, it is the Greater London Council.

In the case of land which is partly in the area of one registration authority and partly in that of another, the authorities may by agreement provide for one of them to be the registration authority for the whole of the land. Public notice is given of such agreements, but an applicant concerned with land lying close to the boundary of an administrative area, or partly in one area and partly in another, should, if in doubt, enquire whether an agreement has been made and, if so, which authority is responsible for that land.

2. Meaning of "common land"

Common land is defined in the Commons Registration Act 1965 as—

(a) land subject to rights of common (as defined in the Act—see Note 3 below) whether those rights are exercisable at all times or only during limited periods;

(b) waste land of a manor not subject to rights of common.

It does not include a town or village green or any land forming part of a highway. (There is a separate form available for town or village greens, which are also registrable under the Act.) "Land" includes land covered with water, so that common land can, for instance, include ponds and lakes.

3. Meaning of "rights of common"

Rights of common are not exhaustively defined in the Act, but it is provided that they include cattlegates or beastgates (by whatever name known) and rights of sole or several pasture or herbage or of sole or several pasture. They do not, however, include rights held for a term of years or from year to year. Further information is contained in the official explanatory booklet "Common Land" available free from local authorities; the following extract is not an authoritative statement of the law, but is intended for general guidance only:

"A right of common is generally taken to mean a right which a person may have (generally in *common with* someone else) to take part of the natural produce of another man's land; for example, a right to the herbage (a right of common of pasture); a right to take tree loppings or gorse, furze, bushes or underwood (a right of estovers); a right to take turf or peat (a right of common of turbary); a right to take fish (a right of common of piscary); a right to turn out pigs to eat acorns and beechmast (pannage). There are various other types of rights of common, some existing only in particular areas, and it is impossible to give a complete list. The Act does not therefore attempt to give a comprehensive definition of the expression 'rights of common.'"

4. Land descriptions

Except where the land has already been registered under the Act (as to which see below and Note 6), the particulars asked for at part 3 of the form must be given, and a plan must accompany the application. The particulars in part 3 are necessary to enable the registration authority to identify the land concerned, but the main description of the land will be by means of the plan. This must be drawn to scale in ink or other permanent medium and be on a scale of not less, or not substantially less, than six inches to one mile. It must show the land to be described by means of distinctive colouring (a coloured edging inside the boundary will usually suffice), and it must be marked as an exhibit to the statutory declaration (see Note 5).

Where the land has already been registered and comprises the whole of the land in one or more register units, a plan is unnecessary provided the register and register unit number(s) are quoted (see Note 6). If the application concerns only part of the land comprised in a register unit, however, it will not always be possible to dispense with a plan. A plan will not be needed if the land can be described by reference to some physical feature such as a road, river or railway, so that the description might, for example, read "The land in register unit No. lying to the south of the road from A to B". Where this method is not practicable the land must be described by a plan prepared as mentioned above. In cases where the procedure of reference to an existing register unit is adopted, part 3 of the form should be adapted accordingly, and where no plan is submitted inappropriate references to a plan should be deleted.

5. Statutory declaration

The statutory declaration must be made before a justice of the peace, commissioner for oaths or notary public. Any plan referred to in the statutory declaration must be marked as an exhibit and signed by the officer taking the declaration (initialling is insufficient). A plan is marked by writing on the face in ink an identifying symbol such as the letter 'A'. On the back of the plan should appear these words:

This is the exhibit marked 'A' referred to in the statutory declaration of (name of declarant) made this (date) 19 before me,

.....
(Signature and qualification)

If there is more than one plan care should be taken to choose a different identifying letter for each.

6. Previous registration: inspection and search of registers

It is possible that the land has already been registered under the Act. If it has been registered as common land, it will not be registered as such again pursuant to a further application, but the further application will be noted on the register. This will entitle the applicant to notice of any objection to the registration. If the land has been registered as a town or village green, registration as common land will take effect as an objection to the earlier registration as a town or village green, and the latter will take effect as an objection to the later registration as common land. It is also possible that the land is exempt from registration—the registration provisions of the Act do not apply to the N. Forest, Epping Forest or the Forest of Dean, nor to any land exempted by order under section 11. To ascertain whether land has been registered under the Act, or is exempt, anyone may inspect the registers at the office of the registration authority, or the copies of register entries affecting land in their areas held by other local authorities including parish councils. Alternatively, an official certificate of search may be obtained from the registration authority. A requisition for an official search must be made in writing on C.R. Form No. 21, a separate requisition being required for each register. If the land is registered, the certificate will reveal the register unit number(s) and whether any rights of common and claims to ownership are registered. If the land is exempt from registration, the certificate will say so, and it will not be possible to register it under the Act.

7. Submission of application: fees

The application must reach the registration authority properly completed during one of the registration periods allowed under the Act. The first registration period begins on 2nd January, 1967 and ends on 30th June, 1968, and the second begins on 1st July, 1968 and ends on 2nd January, 1970. There is no charge for applications made during the first registration period, but every application made during the second registration period must be accompanied by a fee of £5, unless—

- during the first registration period the applicant gave the registration authority notice in C.R. Form No. 5 of his intention to make the application, or
- the land did not become registrable as common land until after 30th April, 1968.

If (a) applies, the applicant should quote in part 4 of the application the number on the acknowledgment from the registration authority. If (b) applies, he should state in part 4 when and by what means the land became common land.

8. Action by registration authority

The registration authority will on receipt of the application send an acknowledgment. If this is not received within 10 days the applicant should communicate with the authority. Later, the applicant will be informed whether the application has been accepted or rejected. If it is accepted, then—

- if the land is not already registered as common land, it will be provisionally registered as such, or
- if it is already registered as common land, the application will be noted on the register.

The applicant will in either case be informed, and will in due course be notified of any objection to the registration. (As to objections, see the official explanatory booklet "Common Land", available free from local authorities.)

9. False statements: groundless applications

The making of a false statement to procure registration may render the maker liable to prosecution. Moreover, a registration which is objected to will, unless the registration authority permits it to be cancelled, or the objection is withdrawn, be referred to a Commons Commissioner. If, at the hearing before the Commissioner, the registration cannot be substantiated, it will be removed from the register, and the applicant may be ordered to pay the costs of the objector.

LAND SECTION

Registration Authority C.C.C.

Register Unit No. CL 58

Edition No. 1

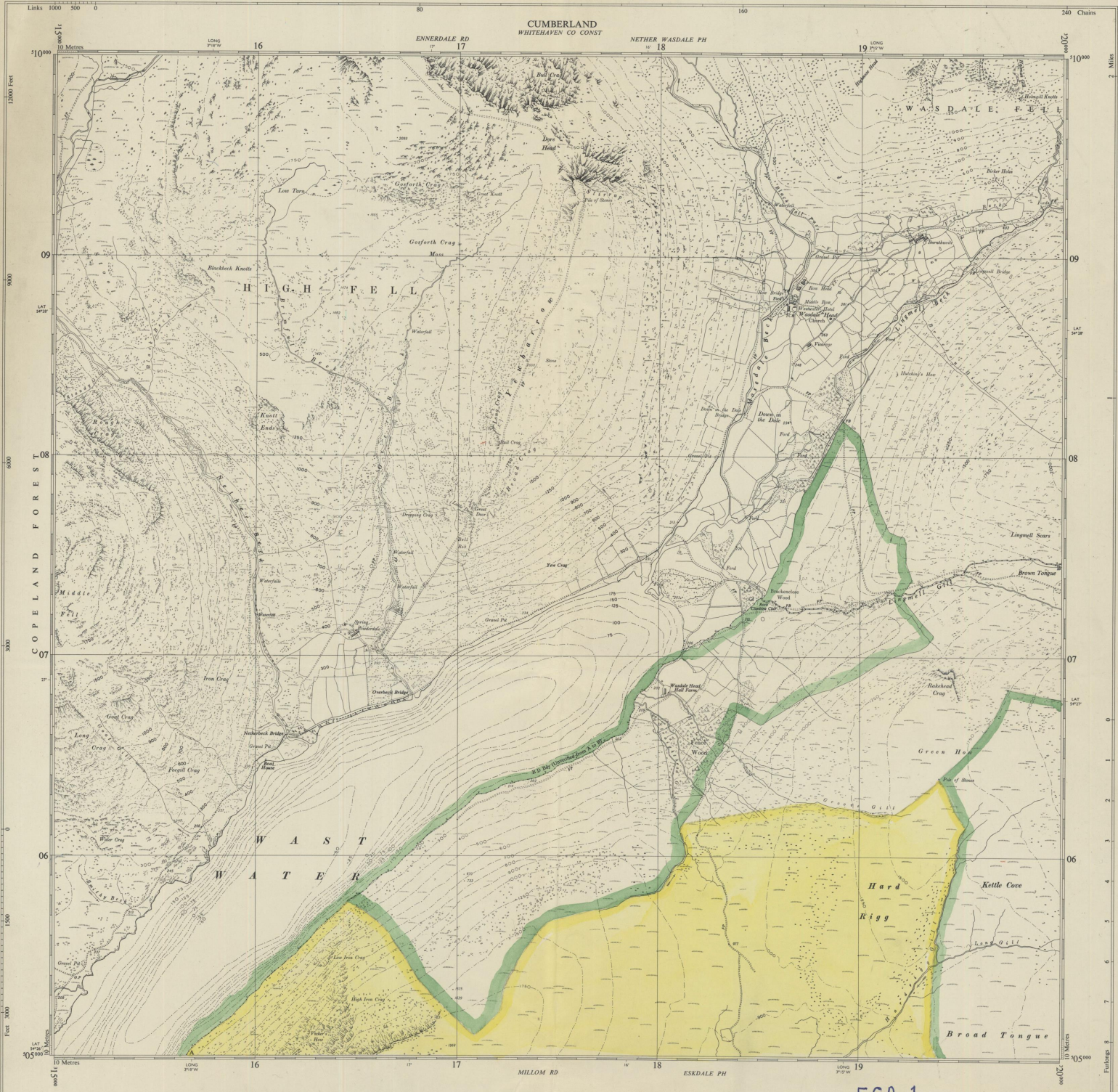
Sheet No. 57, 58, 59, 60, 61. (NY 10NE, 10SW, 10SE, 20NW, 20SW)

No. 1

Date of Entry. 15th May, 1968.

Description Etc.

A tract of land known as Eskdale Common in the Parish of Eskdale as marked with a green verge line inside the boundaries on sheets nos. 57, 58, 59, 60, 61 of the register map and distinguished by the number of this Register Unit. Registered pursuant to application 10212 made on 12th December, 1967 made the Secretary of Eskdale Commoners Association, Mr. Col. Cyril Edward Dardley O.R.E. Whorby Hall, Eskdale, Holmwood, Cumb. (Registration Provisional)



ECA.1.

Crown Copyright Reserved

Roads, Ministry of Transport Class I	Found	Disputed
Other Roads, (not classified by Ministry of Transport)	II	
Footpaths		
Railways, Double Track	Station	Bridge over Cutting
Electricity Transmission Lines with Pylons	Substation	Line
Pipe Line (Oil, Water)		Pipe Line
Triangulation Station	Signal Post	Post Office
Guide Post	Mile Post	Mile Stone
	Boundary Stone	Boundary Post

INDEX TO ADJOINING SHEETS

NY 11 SW	NY 11 SE	NY 11 NW
NY 10 NW	NY 10 NE	NY 10 SW
NY 10 SW	NY 10 SE	NY 10 NW

The representation on this Map of a Road, Track, or Footpath, is an evidence of the existence of a right of way.

Price 5/- net.

THE NATIONAL GRID
TO GIVE A GRID REFERENCE CORRECT TO 100 METRES

EXAMPLE: Wasdale Head Hill Farm

The Grid Letters on this sheet are NY

EAST	NORTH	
16	06	061
17	07	062
18	08	063

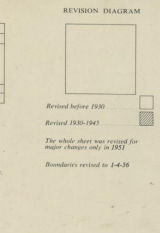
Full 100 Metre Reference: NY 180603

The above Full Reference is unique. For many purposes the first grid letter can be omitted, giving a reference, Y 180603 which covers an interval of 500 Kilometres. If both grid letters are omitted, the reading reference 180603 recurs at intervals of 100 Kilometres. When the area concerned is sufficiently restricted, it will usually be the case with maps on scales of one inch to the mile and larger, that the grid letters are normally omitted.

At the Eastern edge of this sheet True North is 1°00' East of Grid North and at the Western edge 1°00' East of Grid North.

Magnetic North was about 95° West of Grid North in 1950, decreasing by about 1' in four years. Heights are in feet above Mean Sea Level or Ordnoid.

1 square inch on this map represents 1778 acres on the ground.



Printed and Published by the Director General of the ORDNANCE SURVEY, CHESSINGTON, SURREY, 1956.

Antiquity (Site of)	Park, Fenced	Orchard
Spot Height	Wood, Coniferous	Rough Pasture
Boundary, County	Wood, Deciduous	Heath & Moor
County or Borough	Wood, Mixed	Farm
Constituency	Underwood	Marsh
Rural District		Reeds
Parish		Oar Bed
		Quarry
		Gravel Pit
		Sand Pit
		Other Pits
		Common values are in feet

[66] For prices see current price list



ECA.3.

Crown Copyright Reserved

Road, Ministry of Transport Class I	Fenced	2450
Other Roads, (not classified by Ministry of Transport)	2500	2550
Footpaths	2600	2650
Railways, Double Track	2700	2750
Single Track & Tramway	2800	2850
Electricity Transmission Lines with Pylons	2900	2950
Pipe Line (Oil, Water)	3000	3050
Trigonometrical Station	3100	3150
Guide Post	3200	3250

INDEX TO ADJOINING SHEETS

NY 10 NW	NY 10 NE	NY 10 SW
NY 10 W	NY 10 E	NY 10 S
SD 19 NW	SD 19 NE	SD 19 SW

THE NATIONAL GRID TO GIVE A GRID REFERENCE CORRECT TO 100 METRES

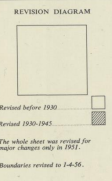
EXAMPLE
The Grid Letters on this sheet are NY

EAST
Take west edge of adjacent square in which point lies and read the figure printed opposite this line on north or south margin. Estimate tenths Eastwards.

NORTH
Take south edge of adjacent square in which point lies and read the figure printed opposite this line on east or west margin. Estimate tenths Northwards.

Full 100 Metre Reference (NY 17002)
The above Full Reference is unique. For every square the first grid letter can be omitted, giving a reference, Y 17002 which occurs at intervals of 500 Kilometres. If both grid letters are omitted, the resulting reference, 17002 occurs at intervals of 500 Kilometres. When the area concerned is indicated tentatively, as will usually be the case with maps on a scale of one inch to the mile and larger, both the grid letters are normally omitted.

At the Eastern edge of this sheet True North is 1° 00' East of Grid North and at the Western edge 1° 00' East of Grid North. Magnetic North was about 1° West of Grid North in 1956, decreasing to about 1° in four years. Heights are in feet above Mean Sea Level at Newlyn. 1 square inch on this map represents 1773 metres on the ground.



Printed and Published by the Director General of the ORDNANCE SURVEY, CHESHINGTON, SURREY, 1956.

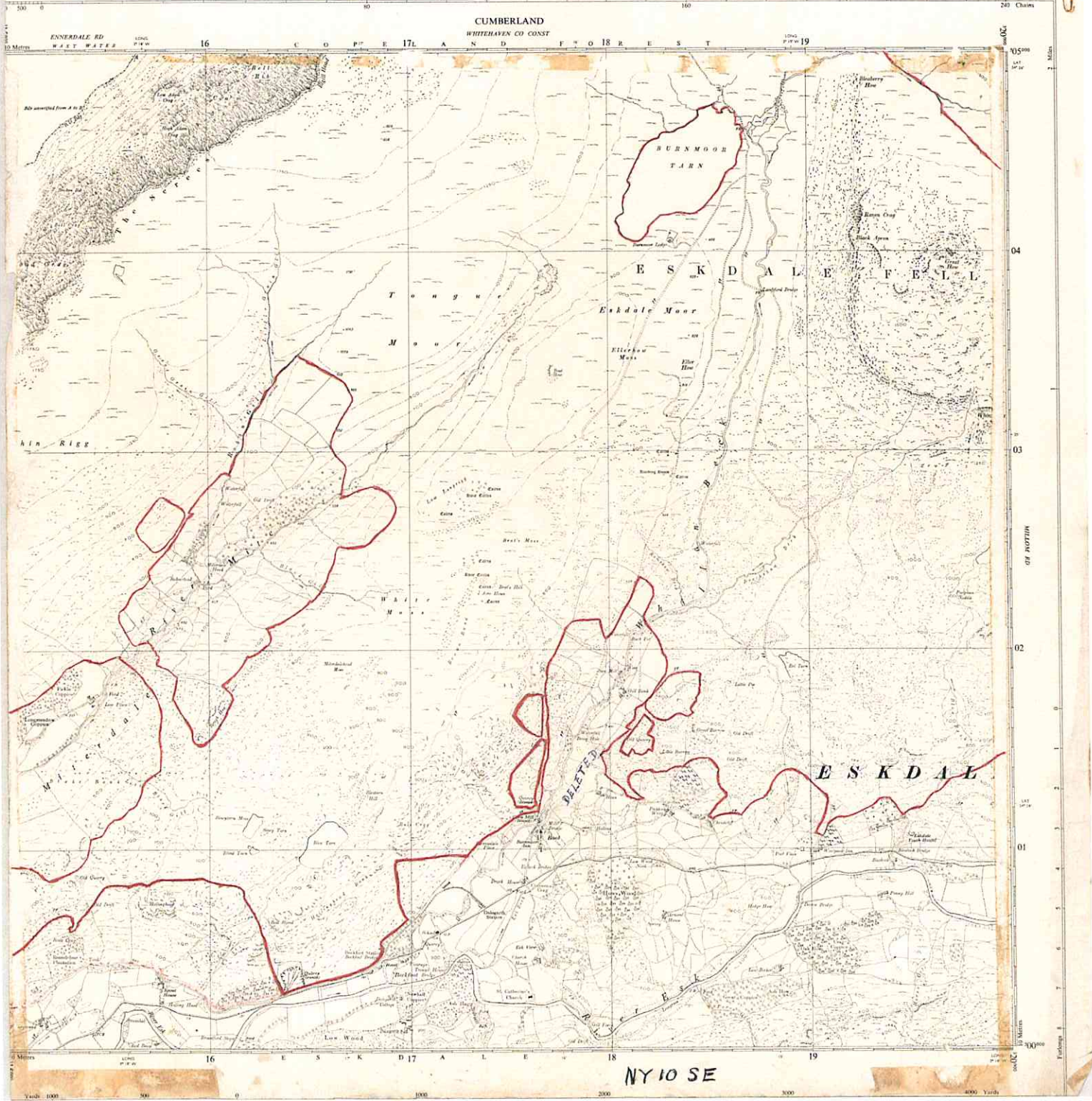
Antiquity (Site of)	Star	Park, Fenced	Circle with cross
Spot Height	2550	Wood, Coniferous	Circle with dots
Boundaries, County	---	Wood, Deciduous	Circle with horizontal lines
County or Borough	---	Wood, Mixed	Circle with vertical lines
Constituency	---	Underwood	Circle with diagonal lines
Rural District	---	Orchard	Circle with wavy lines
Parish	---	Rough Pasture	Circle with irregular lines
		Blank & Moor	Circle with sparse dots
		Fence	Circle with short lines
		Marsh	Circle with long lines
		Bank	Circle with thick lines
		Older Bld	Circle with cross-hatch
		Quarry	Circle with diagonal cross-hatch
		Gravel Pit	Circle with irregular cross-hatch
		Sand Pit	Circle with irregular dots
		Other Pits	Circle with irregular lines
		Common values are in feet.	

NY 10 SE

ORDNANCE SURVEY
Scale 1:10,560 or 6 Inches to 1 Mile

Provisional Edition

SHEET NY 10 SE



Your ref: WST/SAT C7/12

Christcliff Farm
Boot
Holmrook
Cumberland

20th September 1970

Mr. W.G. Steel
County Land Agent
1 Alfred St. North
Carlisle

Dear Mr. Steel,

Thank you for your letter of 11th September 1970.

The attached plan shows the amended boundary of Eskdale Common near Hollins Farm, Boot, after deletion of the strip of land referred to (O.S. 459 and 547). I wish hereby to make a formal request, on behalf of the Eskdale Commoners Association, for this boundary to be amended as shown.

In the matter of Mean Wood, the three members concerned are dealing with this.

Thank you for your help.

Yours sincerely

M. Burns

Dr. M. Burns,
Secretary, Eskdale Commoners Assocn.

