



COMMONS REGISTRATION ACT 1965

Reference Nos 220/D/161
to 163 inclusive

In the Matter of a Salt Marsh
in Silverdale and Warton,
Lancaster City, Lancashire

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and at Entry No. 1 in The Rights Section of Register Unit No. CL273 in the Register of Common Land maintained by the Lancashire County Council and are occasioned by Objections No. 301 and No. 356 made by Mr Geoffrey Curzon Harries and Mr Richard Calliene Swainson and noted in the Register on 5 May and 15 June 1972.

I held a hearing for the purpose of inquiring into the dispute at Morecambe on 1 March 1982. At the hearing (1) Mr Frank William Burrow and Mr Frederick Michael Burrow as executors of Mr Walter Septimus Burrow on whose application the Rights Section registration was made and as a consequence the Land Section registration was made, were represented by Mr D E Smith solicitor of Bannister Bates & Son, Solicitors of Morecambe; and (2) to Royal Society for the Preservation of Birds as successors of Messrs G C Harries and R G Swainson, were represented by Mr M Gillibrand solicitor of Oglethorpe Sturton & Gillibrand, Solicitors of Lancaster, his firm acting as agents for Bailey Shaw & Gillett, Solicitors of 5 Berners Street, London.

At this hearing I was concerned also with Cumbria Register Unit No. CL118 and with Lancashire Register Units No. CL130 and CL154 and about these disputes concerning these Register Units I have given a decision dated 16 September 1981 under Reference Nos 262/D/261 and 262 and 220/D/136 to 148. At this hearing Mr Smith and Mr Gillibrand were agreed that I should as regards the CL273 Register Unit give the decision hereinafter written.

However I was unable at the hearing to say that I would give such a decision, because as a result of a letter dated 16 June 1981 from Lancashire County Council, letters dated 25 June 1981 were written by the Clerk of the Commons Commissioners to the said Council, and to Lancaster City Council, to Silverdale Parish Council and Warton Parish Council saying that this CL273 matter was listed for hearing at Morecambe on 2 July 1981 in error, and therefore attendance at Morecambe will not be required. From a perusal of the relevant Commons Commissioners files, I was at the hearing satisfied that these letters of 25 June were sent by mistake, and that there was no good reason why I should not treat the 2 July 1981 hearing as regularly held provided that the said four councils who had received the 25 June 1981 letter were agreeable.

I have letters dated 24 September 1981 (Silverdale and Lancaster City), 10 October 1981 (Warton) and 19 January 1982 (Lancashire County) saying in effect that they are so agreeable. So accordingly my decision is as follows:-



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I refuse to confirm the said CL273 registrations conditionally upon no application being made to a Commons Commissioner before the expiration of six months from the date of the hearing (ie before 2 January 1982) to the Clerk of the Commons Commissioners at London that all or any of these proceedings (CL118, CL130, CL154 and CL273) be adjourned, such application to be made by any one or more of the persons recorded in my said September 1981 decision as having been represented at the said 1981 hearing or their successors in title; if such an application for an adjournment is made so that the said condition is not fulfilled, these proceedings (or the part of them to which the said application for an adjournment relates) will stand adjourned to a day and place to be fixed by a Commons Commissioner.

Since the hearing and before 2 January 1982 the said Clerk has received three applications for these proceedings (or some of them) to be adjourned. But subsequently letters have been received indicating that these applications for an adjournment have been or are likely to be withdrawn. ~~and~~ It is therefore expedient that I should as regards the CL273 give this decision. Because this decision is given after 2 January 1982, I suggest that any of those concerned who wish (contrary to the information I have so far received) these CL273 proceedings to be adjourned that they write to the said clerk saying so as soon as possible.

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 29th — day of July — 1982

a. a. Baker *Jelle*

Commons Commissioner