



In the Matter of Bonlsworth Hill, including
Deerstone Moor and Will Moor, Pendle,
Lancashire (No. 2)

DECISION

These disputes relate to the registrations at Entry Nos 1 to 4 in the Rights section of Register Unit No. CL 183 in the Register of Common Land maintained by the Lancashire County Council and are occasioned by Objection No. 19 made by the former North Calder Water Board and noted in the Register on 4 December 1970 and Objection No. 428, 430 and 431 made by the Executors of H Bannister, deceased, and all noted in the Register on 27 July 1972.

I held a hearing for the purpose of inquiring into the dispute at Preston on 29 January 1981. The hearing was attended by Mr N Standage, solicitor, on behalf of Mr L Hartley, the applicant for the registration at Entry No. 1, by Mr G Hartley, solicitor, on behalf of the North West Water Authority, the successor authority of the North Calder Water Board, both as Objector and as one of the applicants for the registration at Entry No. 2, and by Mr B C Maddocks, of counsel, on behalf of the Executors of H Bannister, deceased. There was no appearance by or on behalf of Mr W Crawshaw and Mr J Parker, the applicants for the registrations at Entry Nos 3 and 4.

I was informed that the registration at Entry No. 2 was no longer opposed and that the registration at Entry No. 1 was agreed in so far as it relates to the portion of the land comprised in the Register Unit known as Deerstone Moor and Will Moor, which is also the land the subject of the registration at Entry No. 2.

I was asked by Mr Maddocks to adjourn the hearing in so far as it related to the registration at Entry No. 4, pending the signing of a consent by Mr Parker.

By a deed made 29 February 1981 between (1) James Metcalfe Beswick and Robert Walker (2) Joseph Parker there was granted to Mr Parker the right to graze 30 ewes over an area consisting of most of the land comprised in the Register Unit together with other land for a term of 999 years at a peppercorn rent. This was followed by a letter dated 19 March 1981, addressed to the Clerk of the Commons Commissioners in which Mr Parker's solicitors stated that he wished to rely solely and exclusively on this lease.

In these circumstances I confirm the registration at Entry No. 1 with the following modification, namely, the substitution of the words "part of the land comprised in this register unit known as Deerstone Moor and Will Moor" for the words "whole of the land comprised in this register unit", I confirm the registration at Entry No. 2, and I refuse to confirm the registrations at Entry Nos 3 and 4.

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

31st

day of

March

1981

G. G. G. G.
Chief Commons Commissioner