



In the Matter of Combe Hill, Pendle, Lancashire (No. 1)

DECISION

This dispute relates to the registration at Entry No. 1 in the Land section of Register Unit No. CL 258 in the Register of Common Land maintained by the Lancashire County Council and is occasioned by Objection No. 424 made by the Executors of H Bannister, deceased, and noted in the Register on 27 July 1972.

I held a hearing for the purpose of inquiring into the dispute at Preston on 30 January 1981. The hearing was attended by Mr F Roberts, solicitor, on behalf of the Objectors. There was no appearance on behalf of the Ramblers' Association, the applicant for the registration, and there was no appearance by or on behalf of Mr J Parker, the applicant for the registration in the Rights section of the Register Unit, but Mr Roberts asked me to adjourn the hearing 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 rights 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 refuse to confirm the registration.

Mr Roberts applied for an order for costs against the Ramblers' Association. The Ramblers' Association did not inform the Objectors before the hearing that they did not intend to support the registration. Had they done so, it would not have been necessary for the Objectors to be represented at the hearing, since Mr Roberts could have informed the Clerk of the Commons Commissioners by letter of the proposed agreement with Mr Parker. I shall therefore order the Ramblers' Association to pay the Objectors' costs of the hearing on County Court Scale 3.

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

CHIEF COMMONS COMMISSIONER