



## COMMONS REGISTRATION ACT 1965

Reference No.20/U/70

In the Matter of Darwen Moor,  
Darwen Borough, Lancashire

DECISION

This reference relates to the question of the ownership of land known as Darwen Moor, in the Borough of Darwen being the land comprised in the Land Section of Register Unit No.CL.13 in the Register of Common Land maintained by the Lancashire County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference the Darwen Corporation claimed to be the freehold owner of the land in question and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Preston on 20 February 1974. At the hearing the Mayor Aldermen and Burgesses of the Borough of Darwen ("the Darwen Corporation") were represented by Mr. D. G. Watson, solicitor of Messrs. Roebucks, Solicitors of Darwen, and Mr. W. Sharples attended in person.

The land ("the Unit Land") comprised in this Register Unit (according to the Register) contains 111.370 hectares (about 275 acres). Pursuant to an application made by Mr. Sharples, a right attached to Height Side Farm to graze 40 head of cattle and 100 sheep over the Unit Land has been registered. Seven other rights attached to various farms to graze varying numbers of cattle and sheep over the Unit Land have also been registered. In respect of all these eight rights, altogether 133 head of cattle and 600 sheep may be grazed. The Unit Land is for the most part high ground more than 1,200 feet above sea level; the northern part, which includes Darwen Hill (on which stands Jubilee Tower) slopes down steeply towards Sunnyhurst Reservoir.

Mr. B. Hodgson, legal assistant to the Darwen Corporation, gave evidence. He produced from their records a conveyance dated 21 June 1951 by which the personal representatives of Mr. A. C. Duckworth (he died on 13 August 1940) conveyed to the Darwen Corporation first 280 acres of land "being part of Darwen Moor more particularly shown on the plan" drawn thereon, secondly some long leasehold ground rent and thirdly some perpetual yearly rent charges. The said plan delineated substantially the same land as the Unit Land as delineated on the Register map.

Mr. Hodgson said (in effect):- The Unit Land is open moor land, with much heather; it not only provides rough grazing for those who have grazing rights, but also is a valuable amenity for the inhabitants of Darwen (situate in the valley on the east side). The Unit Land is a local beauty spot, much walked over; many of the footpaths have been open during the whole of this century.

On the evidence outlined above, I am satisfied that the Darwen Corporation is the owner of the land; on 1 April next their interest in the Unit Land will pass under the Local Government Act 1972 to the Blackburn District Council, and I shall accordingly



after 1 April 1974 direct the Lancashire County Council as registration authority, to register Blackburn District Council as the owner of the land under section 8(2) of the Act of 1965.

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 15<sup>th</sup> day of March 1974.

a. a. Baden Fuller

Commons Commissioner