



COMMONS REGISTRATION ACT 1965

Reference No. 220/U/46

In the Matter of Deans Greave Rough in the
former Urban District of Whitworth

DECISION

This reference relates to the question of the land mentioned above being the land comprised in the Land Section of Register Unit No. CL.235 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 no person claimed to be the freehold owner of the land in question.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Rawtenstall on 19th April 1988.

The hearing was attended by Mrs S Cunliffe of Lancashire County Council (the registration authority) Mr R Hilditch (Chairman) and Mr W Lloyd (Secretary) of East Lancashire Commoners Association Mr B B Matthews (Rights Entry No.1) Mr R Ormerod and Mr B Whitehead.

The land was registered as common land upon the application of East Lancashire Commoners Association. The registration became final without a hearing. There are three subsisting Entries in the Rights section which became final after a hearing by Mr Commons Commissioner Morris Smith.

There are no Entries in the Ownership Section of the Register.

I heard this case immediately after the hearing in CL.213. As regards both cases Mr Lloyd said that the local quarry companies had been interested in this and other neighbouring land. He mentioned Eskett Quarries Limited and Castleton Sand and Gravel Limited. Accordingly in this case also I directed the Clerk to the Commons Commissioners to make inquiries of these companies and of Brockbank Tyson & Co, Solicitors of Whitehaven who had represented Castleton at an earlier hearing. By letter dated 16th September 1988 Brockbank Tyson & Co wrote to the Commons Commissioners that neither of these companies (being their clients) claimed ownership of the land.

On this evidence I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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

3rd

day of

October

1988

Commons Commissioner