



COMMONS REGISTRATION ACT 1965

Reference Nos 220/D/42
220/D/43

In the Matter of Hameldon
Common, Hapton, Burnley Borough,
Lancashire

DECISION

These disputes relate to the registration at Entry No 1 in the Land Section and at Entry Nos 1, 2 and 3 in the Rights Section of Register Unit No CL. 205 in the Register of Common Land maintained by the Lancashire County Council and are occasioned by Objection Nos. 443 and 444 made by The Calder Water Board and noted in the Register on 31 July 1972.

I held a hearing for the purpose of inquiring into the dispute at Preston on 10 May 1978. At the hearing the North West Water Authority were represented by Mr G A Hartley their solicitor.

This hearing was immediately after the hearing about the land ("the CL. 159 Land") in Register Unit No CL. 159 for which I have given a decision ("my CL. 159 decision") of even date under reference nos 220/D/46 to 49. As the circumstances are similar, I write this decision by reference to my CL. 159 decision.

The land ("the Unit Land") in this Register Unit No CL. 205 is situate south of and adjoining to the CL. 159 Land. The Unit Land is a little more than 1 mile along its northwest-southeast diagonal and a little more than half a mile along its southwest-northeast diagonal; it includes Great Hameldon (1343 feet).

The grounds of the Objections relate to all the Unit Land and to all the rights registered in the Rights Section.

In circumstances essentially similar to those set out in my CL. 159 decision, Mr Hartley did not wish to dispute the rights registered at Entry No 2 (on the application of Mr G P le G Starkie and Mr J Potter, being of grazing rights attached to Miste Farm) and at Entry Nos 5 and 6 (replacing Entry No 1, made on the application of Mr J R Cropper and Mrs F J Harrison, being grazing rights attached to what is, or formerly was part of Barley Green Farm.

Mr Earnshaw referring to the Unit Land said he was tenant of the Unit Land as well as the CL. 159 Land.

Mr Hartley contended that on the below mentioned evidence of Mr Earnshaw, the registration at Entry No 3 (made on the application of Mrs I I Alderson and Mr H Alderson of a grazing right attached to Higher Hey Farm) had been disproved. As to this Mr Earnshaw said that during his period neither the Unit Land nor the CL. 159 Land had been grazed by anyone other than himself and that Mr Alderson no longer lives at Higher Hey Farm.

In the circumstances set out above, I confirm the registration at Entry No 1 in the Land Section without any modification and the registrations at Entry No 1 (now replaced by Entry Nos 5 and 6) and at Entry No 2 in the Rights Section also without



any modification, and I refuse to confirm the registration at Entry No 3 in the Rights Section.

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 16th day of May — 1978

a. a. Baden Fuller

Commons Commissioner