



COMMONS REGISTRATION ACT 1965

Reference Nos 220/D/36-39

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

DECISION

These disputes relate to the registrations at Entry No 1 in the Land Section and at Entry No 1 in the Rights Section of Register Unit No CL. 149 in the Register of Common Land maintained by the Lancashire County Council and are occasioned by Objection No 71 made by Mr Thomas Parker and noted in the Register on 4 December 1970 and by Objection Nos 438 and 439 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 (as successors of the Calder Water Board) were represented by Mr G A Hartley their solicitor.

The land ("the Unit Land") comprised in this Register Unit is on the north side of and for about 100 yards adjoins the Burnley-Accrington Road (A679), and extends northwards from the Road for about 300 yards. The registration at Entry No 1 in the Rights Section was made on the application of Mr L Harwood and is of a right attached to Sellars Fold Farm to graze 8 cattle. The registration in the Land Section was made in consequence of the application for the registration of this right.

Mr T Earnshaw of Lane House Farm who is and has for the last 12 years been the tenant of Hapton Moor and Hameldon Common (being common land on the opposite side of the A627 road, registered as Register Unit Nos CL. 159 and 205) in the course of his oral evidence said that as far as he knew Mr Harwood had never grazed cattle on the Unit Land. Mr Hartley said that the North West Water Authority owned all the Unit Land except a small part at the north end. Having regard to what was said by Mr Earnshaw and Mr Hartley, and in the absence of any evidence in support of the registrations, I conclude that they should not have been made. Accordingly I refuse to confirm them.

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

C. C. B. R. R. R.

Commons Commissioner