



COMMONS REGISTRATION ACT
1965

Reference No. 220/U/35

In the Matter of Harden Moor, Ramsbottom
Rossendale

DECISION

This reference relates to the question of the ownership of land known as Harden Moor, Ramsbottom Rossendale Lancashire being the land comprised in the Land Section of Register Unit No. CL.177, 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 Edus Limited claimed to be the freehold owner of the land in question and Mr J R Worthington 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 Rawtenstall on 7th July 1987.

Lancashire County Council (the registration authority) appeared by Mrs Cunliffe, its registration officer. Edus Limited appeared by Mr E.G.P.Christie, Solicitor, of Messrs. Tinn Thimbleby & Co of Spilsby, Lincolnshire. Mr J R Worthington appeared in person.

Mr Christie produced the following documents:-

- (a) Original Conveyance dated 2nd February 1963 between (1) Bury Estates Limited and (2) Ben Ovenden and Jack Ovenden
- (b) Original Conveyance dated 8th July 1971 between (1) Ben Ovenden and Jack Ovenden and (2) Edus Limited
- (c) Examined Abstract of Title dated 1962 of Bury Estates Limited.

Mr Christie said that the unit land was included in the property fourthly described in the parcels clause in the 1963 Conveyance. The description there contained is a very general one, being freehold pieces of land at Shuttleworth Ramsbottom known as Gatehouse Farm, containing in the whole 288.994 acres or thereabouts. The 1963 Conveyance bears no plan but refers to the property as being more particularly described in plan Numbers 4 5 and 6 to a Conveyance dated 12th April 1929 between (1) John Henry Green and Frederick William Green and (2) Bury Estates Limited and thereon surrounded by a red verge line.

The 1971 Conveyance contains no further description of the property, it merely conveying to Edus Limited the property described in the 1963 Conveyance. It also bears no plan.

It is therefore necessary to look at the plans annexed to the Conveyance of 1929 in order to identify the property comprised in the two subsequent Conveyances. An extract from plans 4 5 and 6 (marked as examined with the original deed) is included in the 1962 Abstract of Title.



I am satisfied that the land shown on this extract from plans 4 5 and 6 coincides with the land shown on the register map in respect of this unit.

The Conveyance of 1963 was a conveyance on sale, and forms a good root of title, with the assistance of the extract from the plans to the 1929 Conveyance.

Mr Christie drew my attention to the three Memoranda indorsed on the 1971 Conveyance. I am satisfied that the conveyances ~~of~~ referred to therein (of which I have been supplied with photocopies) do not affect the unit land.

Mr Worthington gave evidence that he and his father before him had been tenants of Harden Moor since 1948, originally under an Agreement dated the 17th February 1948 between Bury Estates Limited and his father, and thereafter under a Memorandum dated 24th January 1983 between Edus Limited and himself. The 1948 Agreement bears a clear plan showing the register unit. Mr Worthington confirmed that he paid rent under these Agreements to Edus Limited.

On this evidence I am satisfied that Edus Limited whose registered office is situate at 37 Athol Street Douglas Isle of Man is the owner of the land, and I shall accordingly direct the Lancashire County Council, as registration authority, to register Edus limited 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

6th

day of

August

1987

Mal Rote.

Commons Commissioner