



COMMONS REGISTRATION ACT 1965

Reference No. 220/U/9

In the Matter of Hare
Appletree Fell, Quemmore,
Lancaster City, Lancashire

SECOND DECISION

This decision is supplemental to my decision dated 15 March 1982 and made upon a reference relating to the land above described being the land comprised in the Land Section of Register Unit No. CL 90 in the Register of Common Land maintained by the Lancashire County Council of which no person is registered under section 4 of the 1965 Act as the owner.

Pursuant to the liberty by my said 1982 decision granted to those at my ~~November 1981~~ hearing represented by Miss Woodruff, I have received a letter dated 3 September 1982 from Bremner Sons & Corlett explaining that the land owners of the part of the Unit Land described in the penultimate paragraph of my said decision as "all the Unit Land except ..." are Messrs James, Loup, Crichton and Sclater, and enclosing (1) a copy deed of retirement dated 17 June 1981 by which Mr P G Corlett retired from the trusts of the conveyances therein mentioned including that dated 1 December 1980 produced at the said hearing, and (2) a copy deed of appointment dated 18 June 1981 by which Mr J R Sclater was appointed a trustee of the said trusts. On this evidence and on the evidence given at the said hearing, I am now satisfied that Messrs James, Loup, Crichton and Sclater are the owners of the said part of the Unit Land.

Pursuant to another liberty by my said 1982 decision granted to North West Water Authority, I have received a letter dated 8 February 1982 from their Secretary & Solicitor enclosing a copy agreement dated 17 May 1854 and saying that the Authority and its predecessors had used the "Waterworks Land" for more than 100 years. The 1854 agreement relates to a "tract of common land or land in the nature thereof called Hare Appletree Fell ... containing one acre and two roods ..."; from the endorsed plan, I identify it with the said "Waterworks Land"; by it, pursuant to the Land Clauses Consolidation Act 1845, a Committee of persons entitled to commonable rights agreed with the Mayor Aldermen and Burgesses of the Borough of Lancaster, being the Local Board of Health duly constituted under Lancaster Waterworks and Gas Act 1852 to accept £49.5s.0d. as compensation for the extinguishment of the Commonable and other rights. On this evidence and the evidence given at the said hearing, I am now satisfied that the North West Water Authority are the owners of the "Waterworks Land" as defined in the said 1982 decision.

Pursuant to the liberty by the said decision granted to Mrs Atkinson, I have received no application, and shall therefore make no correction to the part relating to the land therein called "Mrs Atkinson's Land", save I shall correct as hereinafter stated the obvious clerical error (pointed out by Bremner Sons & Corlett) on page 2.



In the circumstances above recorded I correct my said 1982 decision as follows:-

(a) in line 7 of the last paragraph on page 2 for "line AB on" substitute "line PQ on" and (b) for the last 5 lines on page 5 and the first 17 lines on page 6 substitute: "Upon the considerations set out in my decision dated 15 March 1982 and this my second decision, I shall pursuant to section 8(2) of the 1965 Act direct Lancashire County Council as registration authority to register (1) Mr Thomas Atkinson and Mrs Margaret Atkinson as owners of the part of the land in this Register Unit in my 1982 decision called Mrs Atkinson's Land; (2) to register Mrs Elizabeth Bracken Drinkwater of Conder Hill Farm, Quarnmore as the owner of the part of the land in this Register Unit in ~~this~~ ^{my} decision called the Objection Land; (3) Mr John Nigel Courtney James of 53 Davies Street, London W1, Mr Michael Douglas Trollope Loup of 53 Davies Street, Berkeley Square, London W1, Mr Patrick Henry Douglas Crichton of 1/2 Laurence Pountney Hill, London EC4 and Mr John Richard Sclater of Nordic Bank House, 20 St Dunstan's Hill, London EC3 as the owners of all the Unit Land except (a) the Mrs Atkinson Land, (b) the Objection Land, (c) the Waterworks Land, and (d) the Jubilee Tower and the site thereof; and North West Water Authority of Dawson House, Great Sankey, Warrington WA5 3LW as the owners of the Waterworks Land. In the absence of any evidence I am not satisfied that any person is the owner of the part of the Unit Land in my 1982 decision called the Jubilee Tower and the site thereof and it will therefore remain subject to protection under section 9 of the 1965 Act.

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 2nd - day of March - 1983

A. A. Baden Fuller

Commons Commissioner