



COMMONS REGISTRATION ACT 1965

Reference No. 220/U/23

In the Matter of Higher Hill,
Rochdale Borough, Lancashire

DECISION

This reference relates to the question of the ownership of land known as Higher Hill, Rochdale Borough being the land comprised in the Land Section of Register Unit No. CL174 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 and no-one 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 Burnley on 8 April and 9 December 1986. North West Water Authority were at the December part of the hearing represented by Mr J D Prytherch assistant solicitor in their legal department; he claimed that they are the owners of all the said land.

The December part of the hearing was held immediately after a hearing relating to Scout Moor and Turf Moor which adjoins the said land and which are comprised in Register Unit No. CL175. At such hearing oral evidence was given by Mr Prytherch and about it I have given a decision of even date under reference 220/U/22. Because in the course of such evidence, Mr Prytherch gave evidence in support of the said claim, my said decision should be treated as repeated herein.

The plan endorsed on the July 1909 conveyance (JDP/3) referred to in my said decision shows that the land in this CL174 Register Unit was thereby expressed to be conveyed. On this conveyance and statement by Mr Prytherch about his authority being the successor of Haywood and Middleton Water Board, I am satisfied that the North West Water Authority are the owners of the land and I shall accordingly direct Lancashire County Council as registration authority to register North West Water Authority of Dawson House, Great Sankey, Warrington, WA5 3LW as the owners 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 January 1987

A. A. Baden Fuller