



COMMONS REGISTRATION ACT 1965

Reference No.20/U/16

In the Matter of Hurstwood Village Green,
Worsthorne-with-Hurstwood, Burnley R.D.,
Lancashire.

DECISION

This reference relates to the question of the ownership of land known as Hurstwood Village Green, Worsthorne-with-Hurstwood, Burnley Rural District, being the land comprised in the Land Section of Register Unit No.V.G.22 in the Register of Town or Village Greens maintained by the Lancashire County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

In a letter dated 6th March 1972 Worsthorne-with-Hurstwood Parish Council ("the Council") claimed ownership of the land in question. Following upon the public notice of this reference given in April 1972 no other person claimed to be the freehold owner of the land in question or 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 Preston on 20th June 1972.

No person attended the hearing so I heard no evidence. However, the Council in a letter dated 26th May 1972 submitted that the land was now vested in the Council under an award a copy of part of which was enclosed and which appeared to have been confirmed by the Inclosure Commissioners on 16th November 1846.

If I am not satisfied that any person is the owner of the land I am required by subsection (3) of section 8 of the Act to direct the registration authority to register the Council as owner because the Council is the local authority specified in subsection (5). I assume therefore that the non-attendance of the Council at the hearing was to save expense or for some other good reason, they having advisedly taken the view that it did not matter whether I was satisfied that the Council was the owner and therefore required by subsection (2) to direct the registration authority to register the Council as owner, or whether I was not so satisfied, and therefore required to do the same thing under subsection (3).

In the absence of any sworn evidence showing possession or enjoyment in accordance with the documents of title relied on or otherwise supporting such documents, I am not satisfied that any person is the owner of the land and I shall accordingly direct the Lancashire County Council, as registration authority, to register Worsthorne-with-Hurstwood Parish Council as the owner of the land under section 8(3).

In case the assumption I have made as above is incorrect, I draw the attention of the Council to the action they may take under Regulation 21 of the Regulations below mentioned within 10 days from the date on which notice of this decision is sent to the Council.



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.

a. a. Bailen Fuller

Dated this *17th* day of *July* 1972

Commons Commissioner