



COMMONS REGISTRATION ACT 1965

Reference Nos 220/D/94-100 inclusive

In the Matter of Lades Marsh,
Overton, Lancaster City, Lancashire

DECISION

These disputes relate to the registrations at Entry No 1 in the Land Section, at Entry Nos 1, 2 and 3 in the Rights Section and at Entry Nos 1, 2 and 3 in the Ownership Section of Register Unit No Cl. 211 in the Register of Common Land maintained by the Lancashire County Council and are occasioned by Objections Nos 475 and 476 made by Mr Richard Long and noted in the Register on 4 August 1972 and by the said Entries in the Ownership Section being in conflict.

I held a hearing for the purpose of inquiring into the disputes at Lancaster on 24 November 1976. At the hearing (1) Mr Long (the said Objector and also the applicant for Entry No 3 in the Ownership Section) was represented by Mr I Leeming of counsel instructed by Bannister Bates and Son, Solicitors of Morecambe and Heysham; (2) Mr C Hargreaves (the applicant for Entry No 1 in the Rights Section) and (3) Mr F H Hargreaves (the applicant for Entry No 2 in the Rights Section) were represented by Mr R M N Gillibrand solicitor of Oglethorpe Sturton and Gillibrand, Solicitors of Lancaster; (4) Mrs Mary Taylor (the applicant for Entry No 3 in the Rights Section and for Entry No 1 in the Ownership Section) was represented by Mr A R C Kirsten of counsel instructed by Holden & Wilsons, Solicitors of Lancaster; and (5) Mr T H Birkett and Mr J K Birkett (the applicants for Entry No 4 in the Rights Section and for Entry No 2 in the Ownership Section) were also represented by Mr Gillibrand.

Mr Gillibrand and Mr Kirsten said that those they represented withdrew the registrations which had been made on their application in the Rights Section. The registration made in the Land Section was (according to the Register) made in consequence of the registrations in the Rights Section; nobody at the hearing claimed that the said Land Section registration could be supported if the land was not subject to any registered rights of common. In these circumstances, I conclude that these registrations should not have been made, and accordingly I refuse to confirm the registrations at Entry No 1 in the Land Section and at Entry Nos 1, 2, 3 and 4 in the Rights Section.

It is not necessary for me to give any decision as to the Ownership Section Entries, because subsection (3) of section 6 of the 1965 Act provides (in effect) that where the registration of any land as common land is cancelled, the registration authority shall also cancel the registration of any person as the owner thereof.

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 30th day of November —

1976

a. a. Baskin Fuller

Commons Commissioner