



COMMONS REGISTRATION ACT 1965

Reference No 20/U/75

In the Matter of land off King's
Causeway, Brierfield, Pendle District,
Lancashire

DECISION

This reference relates to the question of the ownership of land off and containing about 0.251 of a hectare, at King's Causeway, Marsden Height, Brierfield, Pendle District being the land comprised in the Land Section of Register Unit No CL. 70 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 Miss Margaret Titherington of Scarlett Cottage, King's Causeway on whose application the registration was made, said (letter dated 22 October 1973) that she (and her husband) desired to withdraw their claim that the land is common land, and that when they put in a claim they did so under a misapprehension thinking it was common land because they had always used the cottage in connection with the cottage which they own adjoining the land in question. No 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 11 May 1978.

The registration being undisputed became final on 1 August 1972, and on this reference I have no power to avoid it as Mrs Titherington seems to expect.

In the absence of any evidence I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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 17th day of May — 1978

a. a. Bader Fuller