



In the Matter of Lythe Fell, Tatham, Lancashire

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DECISION

These disputes relate to the registration at the Entries in all three sections of Register Unit No. CL 88 in the Register of Common Land maintained by the Lancashire County Council and are occasioned by Objections made by the Burn Moor and Lythe Fell Regulated Pasture Stintholders Committee ("the Committee") and noted in the Register on 4 December 1970.

I held a hearing for the purpose of inquiring into the dispute at Preston on 12 November 1980.

The registration at Entry No. 1 in the Land Section was made in consequence of an application to register rights, and there were altogether some 60 applicants to register rights. Objection No. 101 is an Objection to the registration in the Land Section and consequently involves an objection to all the registrations in the Rights Section. There are also three Objections Nos. 83, 84 and 85, to different Entries in the Rights Section.

Ownership of the Unit land is registered in Bridgestock Ltd and is the subject of Objection No. 100. A Mr H Battersby is the successor in title to Bridgestock Ltd.

At the hearing Mr M Gillibrand, Solicitor, appeared on behalf of the Committee and of all the Rights holders except the applicants for registration of Entry No. 57, who were represented by Mr J Illingworth, Solicitor.

I understand that the Fell is a regulated Pasture, ownership being vested in the stintholders. Mr Gillibrand informed me (and Mr Illingworth concurred) that agreement had been reached to the effect that the registration as common land should be cancelled, and Mr Gillibrand was authorised by Bridgestock's successor to confirm that this was agreed to.

Accordingly I refuse to confirm the registrations.

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

1 December

1980

*L. J. Morris Smith*

Commons Commissioner