



In the Matter of Ramsden and White Slack
Common, Calderdale B

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section, at Entries Nos. 1-6 in the Rights Section and at Entry No. 1 in the Ownership Section of Register Unit No. CL 172 in the Register of Common Land maintained by the Lancashire County Council. They are occasioned by five Objections, two Nos. 143 and 155 made by British Railways and noted in the Register on 15 January 1971 and 10 March 1971 and three Nos. 287, 335 and 286 made by L R Greenwood and noted in the Register on 3 May 1972, 31 May 1972 and 3 May 1972.

I held a hearing for the purpose of inquiring into the disputes at Preston on 16 November 1982. The hearing was attended by Mr D Stubbington, Surveyor, representing British Railways ("BR"), Mr J C Clarke, Mrs J Barker, Mr W F Lloyd representing the East Lancs Commoners Association ("the Association") and Mr A Wright.

The registration in the Land Section was made on the application of the Association.

Objection No. 143 is to the registration in the Land Section (and consequentially to the registrations in the Rights Section) and relates to a strip of land running from north to south at the eastern end of the Unit land. This is the surface of the railway tunnel and, Mr Stubbington told me, is owned by BR. Mr Clarke's right (Entry No. 1) is not exercisable over the eastern end of the Unit land and Mrs Barker (Entry No. 5) told me that the Objection was not resisted since her husband's sheep did not graze at that end. None of the other Rights holders was present or represented. Mr Stubbington said that if the tunnel strip is excluded from the registration BR would permit access over it to and from the eastern end of the Unit land for rights holders entitled to graze over that end. On this assurance, Mr Lloyd for the Association accepted the Objection and I shall accordingly exclude the strip from the registration.

Objections 287 and 335 relate to the area of the Unit land lying to the north of Far Ends Clough, the ownership of which is claimed by the Objector. Only in the case of one of the Rights holders, Mrs Emily Clough (Entry No. 4), is a grazing right claimed which extends to this area. It appears that Mrs Clough is now deceased and I was told that the tenant in occupation of this area does not claim a grazing right over it. Mr Lloyd for the Association accepted the Objection and in these circumstances I shall exclude the area from the registration.

Objections Nos. 155 and 286 are to Entry No. 1 in the Ownership Section: this comprises the whole of the Unit land and was made on the application of Mr J P Dearden. The Objections relate to the tunnel strip and the area to the north of Far Ends Clough and were accepted by Mr Wright, the legal personal representative of Mr Dearden. With the exclusion of the strip and area from the land registration the Entry will of course no longer apply to the excluded parts.



In the result I confirm the registration in the Land Section modified by the exclusion of these two parts: I also confirm the registration in the Rights Section and the Ownership Section which will then extend only to the remainder of the Unit land.

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

December

1982

L. J. Morris Rux

Commons Commissioners