



COMMONS REGISTRATION ACT 1965

Reference Nos. 220/D/263-264

In the Matter of Rooley or Shore Moor in the
Boroughs of Rochdale and Rossendale

DECISION

These disputes relate to the registrations at Entries Nos. 2 to 9 in the Rights Section of Register Unit No. CL 163 in the Register of Common Land maintained by the Lancashire County Council and are occasioned by two Objections, No. 162 made by B and J Ovenden and No. 467 made by W A C Lloyd's Executors, noted in the Register on 7 July 1971 and 31 July 1972 respectively.

I held a hearing for the purpose of inquiring into the disputes at Preston on 8 December 1981. The hearing was attended by Mr B Ovenden and Mr W Lloyd, one of the Objectors (Objection No. 467).

Objection No. 162 relates to Entry No. 2, which is a right to graze 500 sheep and was registered on the application of Mr C Povey and Ms Mary R Povey: they were not present or represented at the hearing. The Objection is not to the existence of the right, the grounds stated being that the applicants never had but a few sheep. Mr Ovenden told me that he would agree to 100 sheep and in the absence of evidence to support the registered right, I shall modify it by reducing the number to 100 sheep and confirm the right as so modified.

Objection No. 467 relates to Entries Nos. 3 to 9, which were all registered on the application of Mr Ovenden and comprise grazing rights attached to different farms. This Objection is also to the numbers of the animals for which grazing rights are claimed. The parties were in process of negotiating a settlement of the dispute, but these negotiations have proved abortive and the parties have now agreed that it should be left to me to decide and that they will accept my figures. No evidence was given at the hearing.

The grazing rights registered as attached to Mr Ovenden's seven farms aggregate rights to graze a total of 3250 sheep and 185 cattle. The Objection stated that the rights should comprise fewer animals and that a more realistic figure would be 2000 sheep and 150 cattle. I am aware of the range of the figures which have been discussed between the parties, and I shall reduce the total of sheep to 2500 and not reduce the figure for cattle. The reduction will be allocated to all of the farms and the result will be as follows: I shall confirm Entry No. 9 without modification and confirm Entries Nos. 3 to 8 with the following modifications:-

Entry No. 3	substitute	'300 sheep' for '400 sheep'
Entry No. 4	substitute	'250 sheep' for '300 sheep'
Entry No. 5	substitute	'300 sheep' for '400 sheep'
Entry No. 6	substitute	'450 sheep' for '600 sheep'
Entry No. 7	substitute	'350 sheep' for '500 sheep'
Entry No. 8	substitute	'600 sheep' for '800 sheep'



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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

29 April

1982

L. J. Morris Smith

Commons Commissioner