



In the Matter of Trawden Moors, Pendle,  
Lancashire (No. 1)

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DECISION

This dispute relates to the registration at Entry No. 1 in the Land section of Register Unit No. CL 134 in the Register of Common Land maintained by the Lancashire County Council and is occasioned by Objection No. 422 made by Mr J M Beswick and Mr G Hey, the Executors of H Bannister, deceased, and noted in the Register on 27 July 1972.

I held a hearing for the purpose of inquiring into the dispute at Preston on 29 January 1981. The hearing was attended by Mr William Foster, solicitor, on behalf of Mr L Bracewell, one of the applicants for the registration at Entry No. 1 in the Rights section of the Register Unit, and by Mr B C Maddocks, of counsel, on behalf of the Objectors.

The registration at Rights Entry No. 1 is of the right to graze 50 sheep over the whole of the land comprised in the Register Unit. This right was created by a conveyance made 3 August 1949 between (1) Driver Ralston Nelson, Harry Pemberton Nelson and John Christopher Nelson (2) John Bracewell and Maggie Bracewell, his wife, Leonard Bracewell, and Hilton Bracewell, by which the land in respect of which the registration was made was conveyed with the right at all times to graze 50 ewes over such part of Trawden Moors as was then owned by the vendors, who were the predecessors in title of the Objectors. It was agreed that the vendors were then the owners of the whole of the land comprised in the Register Unit.

The Objectors do not graze any animals on the land in question, and Mr Maddocks submitted that the right created by the conveyance of 1949 was not a right of common because it was not exercised in common with the owners of the land. The owners are, however, entitled to graze animals on the land, if they so wish. Furthermore, a right not enjoyed by an owner falls within the extended definition of "rights of common" in s.22(1) of the Commons Registration Act 1965.

For these reasons I confirm the registration.

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

5<sup>th</sup>

day of

February

1981

CHIEF COMMONS COMMISSIONER