



COMMONS REGISTRATION ACT 1965

Reference No 20/U/109

In the Matter of Whitworth Square,
Whitworth Town, Rossendale Borough,
Lancashire

DECISION

This reference relates to the question of the ownership of land known as Whitworth Square, Whitworth Town, Rossendale Borough being the land comprised in the Land Section of Register Unit No VG. 56 in the Register of Town or Village Greens 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 Whitworth Council claimed (letter dated 21 December 1973) ownership. No other 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 9 May 1978. At the hearing Whitworth Town Council were represented by Mr M R Harrison legal executive with Rossendale Borough Council in their Solicitor's Department, and the East Lancashire Commons Association (the registration was made on their application) were represented by Mr Walter Francis Lloyd of Duckworth Farm, Shawforth one of their members (formerly their secretary).

Mr Lloyd said he did not claim ownership.

Mr Harrison said that Whitworth Town Council could offer no evidence of ownership and were agreeable to my proceeding under subsection (3) of section 8 of the 1965 Act, but he was not certain whether Rossendale Borough Council wished to claim ownership and in view of his possible conflict of interest asked for an adjournment. After some discussion I said I would adjourn the proceedings only if the Borough Council within 3 weeks by letter asked for an adjournment; after the hearing their Solicitor said (letter dated 15 May 1978) that his Council would not be claiming ownership of any part of the Square.

In the absence of any evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Lancashire County Council, as registration authority, to register Whitworth Town Council as the owner of the land under section 8(3) 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 19th day of May — 1978

a. a. Bain Fulle
Commons Commissioner