



In the Matter of land known as Butterworth  
or Bleakedgate Common, Rochdale

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DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section and Entry Nos. 1-12 (inclusive) and 14 and 15 in the Rights Section of Register Unit No. CL 675 in the Register of Common Land formerly maintained by the Lancashire County Council and is occasioned by Objection Nos. 252 and 281 made by the former West Pennine Water Board and Arthur Eastwood Hughes respectively and noted in the Register on 7 March and 26 April 1972 and to the registration at Entry No. 1 in the Ownership Section of the same Register Unit occasioned by the said Objection of Arthur Eastwood Hughes.

I held a hearing for the purpose of inquiring into the dispute at Rochdale on 12 October 1982. The hearing was attended by Mr Walls for the West Yorkshire Metropolitan County Council, the Registration Authority, Mr Wright as a supporting applicant in person, Mr Hartley for the North West Water Authority the successor to the former West Pennines Water Board, Mr W F Lloyd appeared as Secretary of the East Lancashire Commoners Association which had made the original application. Mr Dixon of Messrs Molesworth's Solicitors Rochdale appeared for Mrs B Sutcliffe the applicant at Entry No. 2 in the Rights Section and other applicants appeared in person.

Mr Hughes had recently died and his estate was not represented.

Mr Hartley withdrew the Objection of the Water Authority and the applicants in the Land Sections agreed that the land referred to in Mr Hughes Objection should be excluded from the Register Unit.

Mr Wright accepted on behalf of Mr ~~Hughes~~ Dearden that the two pieces of land referred to in the Water Authority's objection were owned by the Authority and not by Mr Dearden.

Mr Hartley invited me to register the Authority as the owner of the land referred to in the Authority's objection, and ownership which Mr Wright conceded on behalf of Mr Dearden. On looking further into the regulations I am unable to accede to Mr Hartley's request. As a result of my decision this land will become unclaimed land and a further hearing will be required to settle the question of ownership.

For these reasons I confirm the said registrations in the Land and Rights Section with the following modification that the area shown on the plan annexed to Mr Hughes' objection be excluded and I confirm the registration at Entry No. 1 in the Ownership Section of the same Register Unit subject to the exclusion of the land shown on the plan annexed to Objection No. 252 and thereon coloured red.



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 *1st* day of *November* 1982

*Henry Hurrell*

Commons Commissioner