



COMMONS REGISTRATION ACT 1965

Reference No. 220/D/311

In the Matter of Haslingden Moor, Haslingden,
Lancashire

DECISION

This dispute relates to the registrations at Entry Nos 1, 5, and 10 in the Rights section of Register Unit No. CL.82 in the Register of Common Land maintained by the Lancashire County Council and is occasioned by Objection No.65 made by Mr T A P Mason and noted in the Register on 4 December 1970.

I held a hearing for the purpose of inquiring into the dispute at Blackburn on 19 June 1984. The hearing was attended by the Objector in person, and I gave leave for Mr J C Downham, the applicant for the registration at Entry No. 5, to be represented by Mr P Wilson, Chartered Surveyor.

There was no appearance by Mr W R Townsend, the applicant for the registration at Entry No. 1, or by Mr W A Nelson, the applicant for the registration at Entry No. 10.

The registration at Entry No. 5 is of a right to graze 148 sheep and 20 cattle attached to Sunnyfield Farm over the whole of the land comprised in the Register Unit. This right is not mentioned in Mr Downham's title deeds, and he based his claim on prescription,

Mr Downham purchased Sunnyfield Farm in 1964. Before that he had been the tenant from 1948, and his predecessor as tenant was a Mrs Cafferky. Between 1932 and 1948 Mrs Cafferky used the land comprised in the Register Unit for the grazing of cattle. Mr Downham continued to graze cattle from the land he took over the farm in 1948. Until 1957 he grazed milking cattle, but from 1957 to 1975 he confined his grazing to dry cattle. He did not start to graze sheep until 1964. The numbers of animals specified in the registration are those which Mr Downham happened to have when he applied for the registration in 1968.

Mr Mason's concern in the matter was really about the exercise of a right of way, over which I have no jurisdiction. However, the ground stated in his Objection was that the rights at Entry Nos. 1, 5, and 10 did not exist at all. That puts the onus of proving the existence of those rights upon the applicants for the registrations.

So far as Mr Downton is concerned, he has proved a right to graze cattle, but the period during which he grazed sheep was not long enough for him to have acquired a right by prescription. I therefore confirm the registration at Entry No. 5 with the following modification: namely, the deletion of the words "148 sheep and":

In the absence of any evidence regarding the registrations at Entry Nos 1 and 10, I refuse to confirm each of those registrations.



-2-

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

29th

day of

June

1984

Chief Commons Commissioner