



COMMONS REGISTRATION ACT 1965

Reference No. 220/D/271-275

In the Matter of Healey or Manstone Edge
Common, Rossendale B

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section at Entries Nos. 1-13 in the Rights Section and at Entry No. 1 in the Ownership Section of Register Unit No. CL 164 in the Register of Common Land maintained by the Lancashire County Council. They are occasioned by four Objections, No. 11 (by Mrs E L Barrow), No. 258 (by West Pennine Water Board), No. 455 and No. 478 (by Mrs G A Sunderland) ¹⁹⁷⁰ in the Register respectively on 4 December 1970, 7 March 1972, 31 March 1972 and 4 August 1972.

I held a hearing for the purpose of inquiring into the disputes at Preston on 16 November 1982. The hearing was attended by Mr W F Lloyd, a rights applicant and also representing the East Lancashire Commoners Association ("the Association"): by Mr S J Greenwood, Solicitor, appearing on behalf of Mrs Barrow: by Mr M C McEwan, of Counsel, appearing on behalf of Mr B Greenwood (a rights applicant): by Mr D Acklam, Solicitor, appearing on behalf of Mr K Pollard (a rights applicant): and by Mr A Wright, personal representative of Mr J P Dearden (the applicant for registration at Entry No. 1 in the Ownership Section).

The registration of the land in CL 164 ("the Unit land") was made on the application of the Association.

North West Water Authority, successor authority to West Pennine Water Board (Objection No. 258) was not represented, the objection having been withdrawn.

Objection No. 11 (Mrs Barrow) relates only to a small part of the Unit land on its western edge, and Objection No. 455 (Mrs Sunderland) to another small plot at its southern end. The part ("the 0.11 part") to which Objection No. 11 relates is shown on the plan accompanying the Objection: it comprises two pieces of land numbered 3939 and 4238 on the 1962 O.S. Survey Map. Mrs Barrow has agreed to withdraw the Objection in respect of 3939; as regards 4238 the exclusion of this piece from the land registration was accepted by the Association and by the rights applicants present or represented at the hearing. It was similarly accepted that the small plot ("the 0.455 plot") to which Objection No. 455 relates should also be excluded from the registration.

In the result, I confirm the registrations in the Land Section and the Rights Section modified by the exclusion from the land of ~~the 0.11 part~~ and the 0.455 plot. O.S. No. 4238

Entry No. 1 in the Ownership Section relates to the whole of the Unit land, and Objection No. 478 by Mrs Sunderland is to the inclusion of the 0.455 plot in this registration. Since that plot is now to be excluded from the land



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registration it will cease to be the subject of the Entry (as also will ~~the~~ ^{the OS/As/239} ~~OS/As/239~~) and accordingly I confirm the registration in the Ownership Section, which will no longer apply to the excluded parts.

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 6th day of December 1982

L. J. Morris Smith

Commons Commissioner