

COMMONS REGISTRATION ACT 1965



Reference No. 220/D/216-279

In the Matter of Wardle Common, Rochdale MB

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DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and Entries Nos. 1 to 26 in the Rights Section of Register Unit No. CL 166 in the Register of Common Land maintained by the Lancashire County Council and are occasioned by Objection No. 257 made by West Pennine Water Board and noted in the Register on 7 March 1972. There is a further dispute occasioned by the conflicting registrations at Entry No. 13 and Entry No. 18 in the Rights Section.

I held a hearing for the purpose of inquiring into the disputes at Preston on 16 November 1982. The hearing was attended by Mrs P Clementson of the Registration Authority: by Mr W F Lloyd representing the East Lancashire Commoners Association, the applicant for registration in the Land Section: by Mr M C McEwan, of Counsel, appearing on behalf of Mr B Greenwood (an applicant for rights): by Mr D Acklam, Solicitor, appearing on behalf of Mr K Pollard (an applicant for rights): by Mr W Mitchell the applicant for registration at Rights Entry No. 13: and by a number of rights applicants in person.

Objection No. 257 has been withdrawn. As regards the conflict, Entry No. 13 is of grazing rights claimed to be attached to a property called Bent Head Farm, which is shown on supplemental map No. 13 ("the No. 13 property"). Entry No. 18 was made on the application of Mr A Jackson and is of a grazing right claimed to be attached to Watergrove Gathering Grounds, shown on supplemental map No. 18 ("the No. 18 property"). There is a small area of the Unit land which is included in both the No. 13 property and the No. 18 property. Mr Jackson was not present or represented at the hearing. Mr Mitchell showed me a Conveyance to him by Rochdale Corporation of the No. 13 property. I think the appropriate course to resolve this somewhat minor conflict is to exclude from the No. 18 property the area which is included in the No. 13 property, and to modify Rights Entry No. 18 accordingly.

In the result I confirm the registration in the Land Section and the registrations in the Rights Section with this modification of Entry No. 18.

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

6 December

1982

*H. J. Morris Smith*

Commons Commissioner