



COMMONS REGISTRATION ACT 1965

Reference No. 270/D/154-155

In the Matter of Walsden Common in the
Borough of Calderdale

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section at Entry Nos. 1, 2, 3, 4 and 5 in the Rights Section of Register Unit No. CL 673 in the Register of Common Land formerly maintained by the Lancashire County Council and is occasioned by Objection No. 255 made by the former West Pennine Water Board and noted in the Register on 7 March 1972.

I held a hearing for the purpose of inquiring into the dispute at Rochdale on 12 October 1982. The hearing was attended by Mr A Walls for the West Yorkshire Metropolitan County Council, the Registration Authority, Mr A Wright as a supporting applicant in person, Mr Hartley for the North West Water Authority, the successor to the West Pennine Water Board, and Mr L M Mandy of Messrs Newstead and Walker, Solicitors of Otley for the 5 applicants in the Rights Section. Mr Wright in his professional capacity also appeared for Mr J P Dearden whose registration in the Ownership Section as owner of the whole of the Register had become final on 1 August 1972.

Mr Hartley produced a map showing the area of the Register Unit and stated that agreement had been reached between his Authority, the Rights applicants, Mr Wright in his personal capacity and on behalf of Mr Dearden on the following terms.

1. The area coloured blue and the embankment between the red line and the western side of the area coloured blue was not common land and was owned by the Authority.
2. The area coloured yellow on the eastern side of the area coloured blue was common land but was owned by the Authority and not by Mr Dearden.
3. That I should be invited to confirm the Entries in the Land and Rights Sections with the exclusion of the area coloured blue and the embankment.
4. That the Authority should if possible, be registered as owner of the area coloured yellow and Mr Dearden's registration be modified accordingly.

For these reasons I confirm the registration with the following modification that the area coloured blue and the embankment be excluded from the Register Unit. Although the effect of my decision in relation to the Land Section will have the effect of limiting the registration in the Ownership Section by excluding the land coloured blue and the embankment, I have no jurisdiction to deal with a final registration even by consent.



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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

George Herbert

Commons Commissioner