



In the Matter of The Green or Recreation Field,  
Moorsholm, Cleveland.

DECISION

This reference relates to the question of the ownership of land known as The Green or Recreation Field being the land comprised in the Land Section of Register Unit No. VG 16 in the Register of Town or Village Greens maintained by the former North Riding of Yorkshire County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference the Langbaurch Borough Council claimed to be the Freehold owner of the land in question and Mr G W Dove claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Whitby on 25 May 1977.

At the hearing Mr J W D Fernie, solicitor, appeared on behalf of the Borough Council and Mr Dove appeared in person.

By the Low Moor Inclosure Award made on 23 March 1854 under the Acts for the Inclosure, Exchange and Improvement of Lands the land the subject of this reference was set out, allotted and awarded to the Churchwardens and Overseers of the Poor of the Township of Moorsom in the parish of Skelton to be held by them and their successors in trust as a place for exercise and recreation for the inhabitants of the township and neighbourhood.

Before the passing of the Rating and Valuation Act 1925 the township of Moorsom had become part of the urban district of Skelton and Brotton. Therefore by virtue of art. 4(1) of the Overseers Order 1927 (S.R. & C. 1927, No. 55) made under section 62(1) of the Act of 1925 the powers and duties of the churchwardens and overseers with respect to the holding of this land were transferred to the Skelton and Brotton Urban District Council.

Under section 1 of the Recreational Charities Act 1956 the provision and maintenance of grounds to be used for the purposes of recreation or leisure-time occupation became and were deemed always to have been charitable. This land therefore became subject to the provisions of section 210 of the Local Government Act 1972 by being held by the Urban District Council as sole trustee exclusively for charitable purposes. The area of the former township of Moorsom became part of the borough of Langbaurch by virtue of the Act of 1972 and since no parish including that area has been constituted under that Act, this land became vested in the Langbaurch Borough Council by virtue of section 210(2)(b) of the Act.

Mr Dove wished to have the land vested in some body more closely connected with the affairs of the immediate locality, but that is not legally possible, since the chain of statutory provisions leads to the Borough Council.



On this evidence I am satisfied that the Langbaugh Borough Council is the owner of the land, and I shall accordingly direct the Cleveland County Council, as registration authority, to register the Borough Council as the owner of the land under section 8(2) of the Act of 1955.

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 23rd day of June 1977

CHIEF COMMONS COMMISSIONER