



Reference No. 263/U/2

In the Matter of Aspull  
Common (part of), Wigan,  
Greater Manchester

DECISION

This reference relates to the question of the ownership of land being part of Aspull Common (containing about 1.275 hectares), Wigan, <sup>and</sup> being the land comprised in the Land Section of Register Unit No. CL 301 in the Register of Common Land maintained by the Greater Manchester (formerly Lancashire) 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 Wigan Metropolitan Borough Council claimed to be the freehold owner of the land in question and no other person 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 Manchester on 9 February 1982. At the hearing Wigan Metropolitan Borough Council were represented by Mrs P A Smalley, solicitor in their legal department; and Greater Manchester County Council as registration authority were represented by Mr M Brogden, solicitor in their Legal Office.

Mrs Smalley produced: (1) a conveyance dated 6 March 1974 by which Lancashire County Council conveyed this land described as containing "3.15 acres" (1.275 hectares) to the Urban District Council of Aspull, and (2) a conveyance dated 14 May 1973 by which the said District Council conveyed the same land to the said County Council. She explained that her Council became the successor of the said District Council upon the reorganisation of local government under the Local Government Act 1972 and the Local Authorities (England) (Property etc) Order 1973.

Mr Brogden said that (as recited in the 1974 conveyance) under the Aspull Roman Catholic Schools Compulsory Purchase Order 1970 about 3.15 acres of what was then part of Aspull Common (a large area near this land) was compulsorily acquired, and the land now in question was granted upon trust for use as common land in exchange for that so acquired.

From the conveyances so produced, I am satisfied that the Borough Council are the owners of the land, and I shall accordingly direct the Greater Manchester County Council, as registration authority, to register Wigan Metropolitan Borough Council as the owner of the land under section 8(2) of the Act of 1965.

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 March 1982

A. A. Baden Fuller