



COMMONS REGISTRATION ACT 1965

Reference No.20/U/93

In the Matter of Aspull Common, Leigh,
Wigan Borough, Greater Manchester

DECISION

This reference relates to the question of the ownership of land known as Aspull Common, Leigh, Wigan Borough being the land comprised in the Land Section of Register Unit No. CL.188 in the Register of Common Land maintained by the Greater Manchester 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 Town Clerk of the Borough of Leigh in 1973 sent a copy of section 224 of the Leigh Corporation Act 1903 and a plan showing the land referred to in the section, and said that the Corporation did so appropriate Aspull Common and it is now one of the pleasure grounds to which the Corporation's Bye-laws apply. No person 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 Salford on 11 December 1975. At the hearing, Wigan Borough Council were represented by Mr A Kitchen principal assistant solicitor with the Council.

Section 24 of the 1903 Act (3 Ed.7 c.cxxiv) provides:- "The Corporation may appropriate fence and lay out and use for the purposes of open spaces and recreation grounds the waste lands situate within the borough known as Westleigh Heath and Aspull Common such lands when so appropriated shall be deemed to be public pleasure grounds within the meaning of section 164 of the Public Health Act 1875".

Mr Kitchen said (in effect):- Wigan Borough Council are the successors of Leigh Borough Council. He had seen the Leigh Terrier which had been kept by the Leigh Borough Council, and the land in question together with some adjoining land on the east is shown on it as the property of the Corporation.

Mr J Beckett who is now aged 25 years and is employed by the Borough Council said (in effect):- He was born in Wigan and his family had moved to Leigh when he was 10 years old. The land in question had always been a recreation ground; the land shown in the Terrier as adjoining on the east is open land leading to the recreation ground.

I can I think infer from section 224 that the wastelands therein described were then owned by the Leigh Corporation, because I cannot imagine how such a section could have been enacted if they were not. On the information summarised above, I conclude that the land in question was appropriated as a recreation ground under the section, and I am therefore satisfied that Wigan Borough Council are the owners of the land, and I shall accordingly direct the Greater Manchester County Council, as registration authority, to register Wigan Borough Council as the owners 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 19th day of January 1976

a. a. Baden Fuller

Commons Commissioner