



In the Matter of Aspull Moor, Aspull,
Lancashire

DECISION

This reference relates to the question of the ownership of land known as Aspull Moor being the land comprised in the Land section of Register Unit No. CL 128 in the Register of Common Land maintained by the former 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 Borough Council claimed to be the freehold owner of parts 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 3 April 1979.

At the hearing Mr P P Yeo, Solicitor, of the Borough Council, appeared on its behalf, and Mr M G M Brogden, Solicitor of the Registration Authority, attended.

The parts of the land claimed by the Borough Council are these comprised in (1) a Conveyance dated 10 December 1949 made between (1) the Earl of Crawford (11) Aspull UDC. (2) a Conveyance dated 30 September 1950 made between (1) National Coal Board (11) Aspull UDC. The Borough Council is the successor in title of Aspull UDC.

On this evidence I am satisfied that the Borough Council is the owner of parts of the land in question. It is not possible to identify precisely the particular parts which, in the case of the 1949 Conveyance, appear to comprise most of the rectangular shaped piece at the north east of the plan on that Conveyance, and in the case of the 1950 Conveyance, a strip to the north west of Marsh Houses. I shall direct the Greater Manchester MCC, as registration authority, to register under Section 8(2) of the Act of 1965, the Borough Council as the owner of the parts of the registered land comprised in the two Conveyances. I am not satisfied that any person is the owner of the remainder of the registered land, which will therefore remain subject to protection under Section 9 of that Act.

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 31 May 1979

1979

L. J. Morris Smith

Commons Commissioner