



COMMONS REGISTRATION ACT 1965

Reference No. 20/U/91.

In the Matter of Part of Common Nook,
Amberswood Common, Wigan Borough,
Greater Manchester

DECISION

This reference relates to the question of the ownership of land forming part of Common Nook, Amberswood Common, Wigan Borough being the land comprised in the Land Section of Register Unit No. CL. 157 in the Register of Common Land maintained by the Greater Manchester County Council (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 in a letter dated 9 October 1973 Mrs D M Walmesley and Mr P Henderson, the Walmesley Estates Trustees (by their solicitors) said that their predecessor in title Colonel C T G Walmesley had by a conveyance dated 13 November 1952 conveyed the land to Mr J Smith, and in a letter dated 25 October 1973 Mr P Ball (by his solicitors) claimed ownership. No other person claimed to be the freehold owner of the land in question or 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 1976. At the hearing Mr Peter Ball was represented by Mr A R Bowden solicitor with Edward L Alker & Ball, Solicitors of Wigan, and Wigan Borough Council were represented by Mr A Kitchen their principal assistant solicitor.

The land ("the Unit Land") comprised in this Register Unit was registered on the application of Mr Ball. It is an irregularly-shaped peice of land bounded on the east by the southwest part of Walmesley Park, and contains (according to the Register) about 0.170 of a hectare (0.42 of an acre).

Mr Bowden in the course of his evidence produced: (1) a conveyance dated 13 November 1952 by which Colonel C T G Walmesley conveyed to Mr J Smith first two plots of land containing about 787 square yards on one of which had been erected the dwellinghouse No. 8 Common Nook, and secondly the adjoining plot containing about 2,552 square yards which last mentioned plot formed part of Amberswood Common and was owned by the Vendor as Lord of the Manor, subject as regards the land secondly described to the rights (if any) of the commoners; (2) a conveyance dated 14 November 1952 by which Mr J Smith conveyed to Mr R and Mrs M Sim, the said three plots of land, and (3) a conveyance dated 20 February 1954 by which Mr R and Mrs M Sim conveyed the said three plots to Mr P Ball.

By comparing the plan on the 1952 conveyance with the register map, I identify the plot secondly conveyed with the Unit Land. Mr Bowden, who had not seen it, said that he understood it was not used as the rear garden to No. 8 Common Nook.



On the evidence outlined above I am satisfied that Mr Ball is the owner of the Unit Land, and I shall accordingly direct the Greater Manchester County Council, as registration authority, to register Mr Peter Ball of 8 Common Nook, Amberswood Common, Ince-in-Makerfield 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 22nd day of March — 1976

a. a. Baden Fuller

Commons Commissioner