



COMMONS REGISTRATION ACT 1965

Reference No 20/U/129

In the Matter of Gleaston Green,
Aldingham, South Lakeland District,
Cumbria

DECISION

This reference relates to the question of the ownership of land known as Gleaston Green, Aldingham, South Lakeland District being the land comprised in the Land Section of Register Unit No VG. 18 in the Register of Town or Village Greens maintained by the Cumbria (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 Gleaston Village Green & Hall Committee claimed (letter dated 3 January 1974) ownership of the land. 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 Kendal on 26 April 1978. At the hearing Mr F Nuttall and Mr F Tate (as trustees of the said Committee) were represented by Mr M S Graham solicitor of Livingston & Co, Solicitors of Ulverston.

Mr H M Smith who is and has been for the last 8 years a member and for the last 2 years chairman of Aldingham Parish Council in the course of his evidence produced a conveyance dated 22 January 1960 by which the Crown Estate Commissioners conveyed this land to Messrs Nuttall and Tate; on the back sheet of the conveyance they are described as "Trustees of the Gleaston Green Committee", but the conveyance itself declares no trust. He also produced a copy of a letter dated 22 November 1976 which showed that the Gleaston Village Recreational Charity Trust had been registered with the Charity Commissioners on 2 July 1964 with a reference number 224756.

Mr Smith referred to my decision dated 28 July 1972 reference 20/D/3, which I gave about a dispute occasioned by an Objection made by Messrs Nuttall and Tate to the land being registered as a village green. From this decision, on the evidence there set out, I infer that the land was subject to a charitable trust for the benefit of the inhabitants of Gleaston. Mr Smith said that he had the records of the committee which went back to the year 1931 which show that they had ever since been concerned with this property; and he produced their accounts for the year ending 31 August 1977.

Nobody at the hearing suggesting to the contrary, I conclude that I can give effect to the 1960 conveyance, and I am therefore satisfied that Messrs Nuttall and Tate are the owners of the land, but it appearing from the evidence leading up to my 1972 decision, and nobody suggesting to the contrary at this 1978 hearing, that they hold the land as trustees for charity, I think that this special circumstance should appear some where in the Ownership Section of the Register. Accordingly I shall in pursuance of section 8(2) of the Act of 1965 direct the Cumbria County Council



as registration authority to register as the owners of this land Mr Frank Nuttall of Guards House, Gleaston and Mr Francis Tate of Croft Cottage, Gleaston as trustees (as regards this land) for the Gleaston Village Recreational Charity Trust.

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 18th day of May —

1978

A. A. Baden Fuller

Commons Commissioner