



COMMONS REGISTRATION ACT
1965

Reference No. 220/U/37

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In the Matter of land known as Peel Monument in
the former Urban District of Ramsbottom

DECISION

This reference relates to the question of the ownership of land known as Peel Monument in the former Urban District of Ramsbottom Lancashire being the land comprised in the Land Section of Register Unit No. CL.214 in the Register of Common Land maintained by the 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 Bury Metropolitan Borough Council claimed to be the freehold owner of the land in question and the Charity Commission (Northern Office) 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 Rawtenstall on 7th July 1987.

Bury Metropolitan Borough Council appeared by Mr M Gent, Solicitor. Lancashire County Council (the registration authority) appeared by Mrs Cunliffe, its registration officer.

Prior to the hearing the Charity Commission (Northern Office) lodged with the Commons Commissioners an affidavit sworn by Dawn Slater, a Higher Executive Officer at that office, on the 24th June 1987. That Affidavit was sworn in support of the claim of Bury Metropolitan Borough Council to the unit land, and I allowed it to be admitted in evidence pursuant to Regulation 22(1) of the Commons Commissioners Regulations 1971.

Mr Gent told me that the Peel Monument was erected in honour of Sir Robert Peel in about 1852. He produced to me the original Memorial of a grant made at the Halmot Court of Walter Francis Duke of Buccleuch and Queensbury of his Manor of Tottington held at Ramsbottom on the 14th October 1868. This was a grant to Trustees of waste land on Holcombe Moor within the said Manor containing 21 acres 3 roods and 28 perches or thereabouts more particularly delineated on the plan drawn thereon and edged red, together with the erection erected on a portion of the said land known as "The Peel Monument". The grant was perpetual, but subject to the yearly rent of seven shillings and sixpence payable to the Lord of the Manor and was made upon certain trusts, with the details of which I need not be concerned.

The land shown edged in red on the plan drawn on the Memorial appears to coincide with that shown on the register map in respect of this unit, and I am satisfied that the two are the same.



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Mr Gent next produced an original Conveyance dated 9th March 1950, whereby six persons described as "Trustees" conveyed the property comprised in the 1868 grant to Ramsbottom Urban District Council. The devolution of the trusteeship between 1868 and 1950 is not shown, but the Conveyance contains a recital that the Trustees therein named were the (then) present Trustees of the 1868 grant. As this recital is now well over 30 years old, it may be accepted without further proof. The Conveyance to Ramsbottom Urban District Council was made upon the trusts and subject to the conditions contained in the 1868 grant; and that Council thereby undertook the entire care maintenance and management of the land and monument forever for the purposes of the Open Spaces Act 1906.

Mr Gent said that under and by virtue of the Local Government Act 1972 section 210 the land became vested in Bury Metropolitan Borough Council.

Mr Judson of the Planning Department of Bury Metropolitan Borough Council gave evidence that in 1985 that Council expended about £50,000 on repairing the stairs and re-pointing the Monument. An attendant was employed at weeks-ends, and visitors to the Monument were charged a small fee.

Mr Gent said that there was no evidence that the rent payable under the 1868 grant had been paid or demanded for many years.

The Affidavit of Dawn Slater added little to the evidence set out above.

On this evidence I am satisfied that Bury Metropolitan Borough Council is the owner of the land, and I shall accordingly direct the Lancashire County Council, as registration authority, to register it 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

5th

day of

August

1987

Mati Rott

Commons Commissioner