



COMMONS REGISTRATION ACT 1965

Reference No.20/U/3

In the Matter of the Memorial Gardens,
Freckleton, Fylde R.D., Lancashire

DECISION

This reference relates to the question of the ownership of land known as the Memorial Gardens, Freckleton, Fylde Rural District, being the land comprised in the Land Section of Register Unit No.V.G.4 in the Register of Town or Village Greens 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 no person claimed to be the freehold owner of the land in question and no 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 Preston on 7th June 1972.

The hearing was attended by the Freckleton Parish Council ("the Council") who were represented by their Clerk Mr. R.A. Crutchley. In his evidence he produced an agreement dated the 11th September 1911 and a mortgage dated the 8th November 1926 and said that these were both held by the Council and were the only evidence the Council had as to ownership. The agreement was between the Council and the Manchester and Liverpool District Banking Company Limited ("the Bank") and related to an octagonal piece of land which I identify as the same as that marked by a circle on the Register Map at the south east corner of the land comprised in this unit: by the agreement the Council, who owned part of this octagonal piece, exchanged this part for part of an overlapping square piece of land (this part is not included in the land comprised in this unit), so that in the result the Bank was the owner of the whole of the octagonal piece. By the mortgage the Council charged the poor rates with the repayment of £300 "lent ... for the purpose of improvements to the Village Green...". I cannot, I think, properly infer from these two documents that the Council is the owner of the land comprised in this unit.

No other person attended the hearing and no other evidence was given.

For these reasons I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Lancashire County Council, as registration authority, to register Freckleton Parish Council as the owner of the land under section 8(3) of the 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 this 16th day of June 1972

a. a. Baden Fuller

Commons Commissioner