



COMMONS REGISTRATION ACT 1965

Reference No.20/U/61

In the Matter of The Green, Wrea Green,
Ribby-with-Wrea, Fylde R.D., Lancashire

DECISION

This reference relates to the question of the ownership of land known as The Green, Wrea Green, Ribby-with-Wrea, Fylde Rural District being the land comprised in the Land Section of Register Unit No.VG.1 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 Ribby-with-Wrea Parish Council claimed to be the freehold owner of the land in question and Mr. E. G. Sergeant 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 20 February 1974. At the hearing Ribby-with-Wrea Parish Council were represented by Mrs. A. Berry, one of their members, and Mr. E. G. Sergeant (he is Lord of the Manor of Kirkham, chairman of the Manorial Society of Great Britain and member of the Monarchist League) attended in person.

The land ("the Green") comprised in this Register Unit contains (according to the Register) 2.755 hectares (about 68 acres); it is mostly grass land; on one corner there is an area of water known as the Dub.

During the hearing, mention was made of a decision of mine dated 24 July 1972 (reference 27/2/4) to the effect that the Green was properly registered under the 1965 Act as a town or village green, a decision given after hearings on 6 and 7 June 1972 at which Mrs. Berry and Mr. Sergeant were present.

At the hearing on 20 February 1974, on behalf of the Parish Council, evidence was given by Mr. S. J. Kirkham, who was born in the Village 77 years ago, has lived there ever since, is now and has for the last 40 years been a member of the Parish Council and is now their chairman.

He produced Byelaws for the regulation of the Green which were made by the Parish Council on 4 January 1901 under section 3 of the Local Government Act 1894 (under the section the powers conferred on a parish council with respect to a village green are conditional on it being "under their control").

He said in effect:- The Parish Council Minute Books show: in 1895 drain tiles were laid and holes in the Green filled in; in 1903, a portion of the Green was levelled and made suitable for recreation purposes; in 1908, permission was granted to Wrea Green Cricket Club to lay out a portion of the Green for a cricket pitch; in 1925, permission was granted to the Field Day Committee to hold Field Day on the Green; in 1955 a further leveling and reseeding of the Green was authorised; and in 1957, the Dub which was then weed-choked was cleansed. For all the years he had been a



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councillor the use of the Green had been with the permission of the Parish Council; for example:- (a) the Cricket Club and the Football Club asked permission; (b) for the annual Field Day (childrens sports, Morris dancing and maypole dancing, etc.) permission was asked by the Committee (the Field Day was started after the 1921 Peace celebrations); (c) the Fair people, for their caravans, stalls, roundabouts, etc. on the Green made a donation to the Parish Council; (d) the Fylde Lions (organizers of good deeds for charities) asked permission; (e) the B.B.C. and the I.T.V. before filming on the Green asked permission of the Parish Council and made a donation; and (f) the Post Office asked permission to lay cables. Mr. Kirkham produced a statement giving details of the amount expended by the Parish Council for the maintenance and improvement of the Green between the years 1966-1973 (an average of over £100 a year).

Mr. Sergeant contended that the rightful owner of the Manor of Ribby-with-Wrea, which included the Green, is Her Majesty The Queen, in right of Her Duchy of Lancaster. He handed me a statement containing some interesting history about the Duchy. At his request Mr. A. Gaunt gave evidence; Mr. Gaunt said he was working on a history of the Duchy but could not help about the Green. Mr. Sergeant said that he had made some inquiries of the Clerk of the Council of the Duchy and been told that the Duchy had no records relating to the ownership of the Green.

In my view I cannot properly conclude on the information supplied by Mr. Sergeant that Her Majesty is now or was at any time during the period covered by the evidence of Mr. Kirkham the owner of the Green. On such evidence, I find that the Parish Council is now and has been throughout the period in undisputed control and possession of the Green and that it is now practically certain that such control and possession will never be successfully disputed. Control and possession in such circumstances is equivalent to ownership; for this reason I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Lancashire County Council, as registration authority, to register Ribby-with-Wrea Parish Council as the owner of the land under section 6(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 4th day of March 1974.

A. A. Baden Fuller

Commons Commissioner