



COMMONS REGISTRATION ACT 1965

Reference No 45/U/361

In the Matter of The Village Green,
Bolton by Bowland, Ribble Valley District,
Lancashire

DECISION

This reference relates to the question of the ownership of land known as The Village Green, Bolton by Bowland, Ribble Valley District being the land comprised in the Land Section of Register Unit No VG. 33 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 (1) Mr R H Milne-Redhead said (letter dated 20 July 1973) that the land has belonged to the School and Freeholders of Bolton by Bowland (of whom he was one) for upwards of 150 years, and after referring to orders made by the Charity Commissioners, mentioned that his grandfather Mr R Milne-Readhead in 1878 when appointed a Trustee at the same time as Lord Ribblesdale, gave the avenue of trees bordering the highway which are still there; and (2) Mrs J Wilkinson said (letter dated 30 July 1973) that the land was part of the property owned by the Trustees of the Hungrill Foundation as set out in Schemes of the Charity Commissioners, and enclosed copy letters dated 9 July 1968 from the Department of Education & Science (Legal Branch) and dated 21 February and 23 March 1973 from the West Riding County Council. 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 Preston on 24 January 1978. The hearing was attended by Mrs J Wilkinson who is and has been since 1973 Secretary of the Trustees of the Charity called The Hungrill or Endowed School for Boys, and two other Charities administered with it under a Scheme made on 11 April 1906 by the Board of Education.

Mrs Wilkinson in the course of her evidence referred to her said letter of 30 July 1973 in which she said that in the 1841 Tithe Commutation Award the School Green was shown as being owned by the Trustees of Bolton School and the Freeholders of Bolton Parish, but according to the late Canon Wilson, the Freeholders forfeited their rights when they refused to pay the Poor Rate and Tithe rent, so that Trustees then had to assume full responsibility for the Green, and produced a print of an order made by the Charity Commissioners on 10 May 1868 and of the said 1906 Scheme. By the 1868 Order the lands of the Charity which were in the First Schedule were stated to include "School and School Green (acreage) 1.0.5. were vested in The Official Trustee of Charity Lands, and by the Scheme thereby approved it was provided (paragraph 12) that the land surrounding or adjoining the School Building and containing 1a.0r.5p. or thereabouts should be used for the purposes of a recreation ground for the Scholars attending the said School and for the inhabitants of the said Parish generally. Included in the schedule of property subject to the 1906 order is an item "School Green with site of former School: (extent or amount) 1.0.5. (tenant) Alice Carr: (gross yearly income) £0 5s 0d".



Mrs Wilkinson also produced a picture postcard (No 71206) showing The Green, Bolton by Bowland, an extract from an OS map and small quarto manuscript book entitled "The Accounts of The Bolton Boy's School. Bucksteps Estate", being accounts from 1862 to 1926.

The land comprised in this Register Unit (according to the Register map) is a little less than .166 acres; it is open grassland situate between the Parish Church on the west and the School (the Church of England School) on the east. Mrs Wilkinson identified the land as that described in the 1864 order and the 1906 Scheme. Accordingly on the evidence summarised above I am satisfied that the Official Custodian for Charities, as the successor under the Charities Act 1960 of the Official Trustee of Charity Lands, is the owner of the land and I shall therefore direct Lancashire County Council as registration authority to register the Official Custodian for Charity 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 13th day of February 1978

a. a. B. J. Fuller

Commons Commissioner