



COMMONS REGISTRATION ACT 1965

Reference No. 220/U/1

In the Matter of Wennington  
Green, Wennington, Lancaster  
City, Lancashire

DECISION

This reference relates to the question of the ownership of land known as Wennington Green, Wennington, Lancaster City being the land comprised in the Land Section of Register Unit No. VG 6 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 Wennington Parish Council claimed (their Solicitors' letter of 9 June 1981) ownership. 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 25 November 1981. At the hearing (1) Wennington Parish Council were represented by Mr J L Gillibrand solicitor of Oglethorpe, Sturton & Gillibrand, Solicitors of Lancaster; and (2) Mr Ernest Sanderson Temple on whose application the registration was made, was represented by Mr W Harris solicitor with Swainson, Son & Reynolds, Solicitors of Lancaster.

Mr Gillibrand referred me to a decision dated 19 May 1977 which related to a dispute arising out of registrations of this land both as a town or village green and as common land (and therefore in conflict) and which I had given after hearings held by me at Lancaster on 25 November 1976 and 5 May 1977 under Reference Nos. 220/D/87-88; and pointed out that my decision was based on evidence which I said showed that Wennington Parish Council were then the owners of this land. Mr Gillibrand said that the Parish Council were still the owners, and contended that I should in these proceedings act on the said evidence.

I consider I can properly do so and conclude that the Parish Council are the owners. No other ownership evidence was offered; so if I was not so satisfied as to the ownership of the Parish Council, I would in accordance with sub section (3) of section 8 of the 1965 Act have to register the Parish Council as owners; so if I adjourn the proceedings to enable the Parish Council to call the same evidence as was given on their behalf in 1977, it would serve no useful purpose. In these circumstances I am satisfied that the Parish Council are the owners of the land, and I shall accordingly direct the Lancashire County Council, as registration authority, to register Wennington Parish Council as the owners 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



- 2 -

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 5/5 day of January 1982

A. A. Batten Fuller

Commons Commissioner