



COMMONS REGISTRATION ACT 1965

Reference Nos 262/D/50-53

In the Matter of the Village Green at
Scales Green, Aldingham, South Lakeland
District, Cumbria

DECISION

These disputes relate to the registrations at Entry No 1 in the Land Section and at Entry No 1 in the Ownership Section of Register Unit No VG. 17 in the Register of Town or Village Greens maintained by the Cumbria (formerly Lancashire) County Council and to the registrations at Entry No 1 in the Land Section and at Entry No 1 in the Ownership Section of Register Unit No CL. 67 in the Register of Common Land maintained by the said Council and are occasioned by these registrations being in conflict.

I held a hearing for the purpose of inquiring into the disputes at Kendal on 26 April 1978. At the hearing the Crown Estate Commissioners (both the CL. registrations were made on their application) were represented by Miss J Phillips of their Legal Advisers Department, and Aldingham Parish Council (both the VG. registrations were made on their application) were represented by Mr M S Graham solicitor of Livingston & Co, Solicitors of Ulverston.

The land ("the CL. 67 Land") in Register Unit No CL. 67 is in three pieces separated by roads which meet at or very near to Scales: the Commissioners are in the Ownership Section registered as the owners of all this land. The land ("the VG. Land") is the same as the CL. 67 Land except that it comprises not only the said three pieces but also the separating roads; the Parish Council are in the Ownership Section registered as the owner of part (enclosed within the line A-B on the Register map) of one of the said three pieces.

In a letter received 27 February 1978, Aldingham Parish Council said that they had agreed with the Crown Agents to purchase the land for a nominal sum, and that a contract was in the process of being drawn up. At the hearing Miss Phillips said: This contract had not yet been completed; however the Commissioners were agreeable that the VG registration should stand. After some discussion about the conflicting Ownership Section registration, Miss Phillips and Mr Graham agreed that the CL. 67 Ownership Section Entry which is by regulation 14(2) of the Commons Registration (General) Regulations 1966 deemed to have been repeated in the VG. 17 Ownership Section, should be modified by excluding the land of which the Parish Council is now registered as owner (ie the land enclosed by the line A-B).

In the foregoing circumstances: (1) I confirm the registration at Entry no 1 in the VG Land Section without any modification; (2) I confirm the registration at Entry No 1 in the VG Ownership Section without any modification; (3) I confirm the registration in the VG Ownership Section which by the operation of the said regulation 14(2) is deemed to have been made therein as a consequence of the registration at Entry No 1 in the CL. Ownership Section with the modification that the said registration should not apply to the land comprised in Entry No 1 in such VG Ownership Section; (4) I refuse to confirm the registration at Entry No 1



in the CL. Land Section; and (5) I give no direction as to the registration at Entry No 1 in the CL Ownership Section because by the operation of section 6(3) of the 1965 Act the registration authority will be obliged to cancel it.

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 May — 1978

a. a. Baden Fuller

Commons Commissioner