



COMMONS REGISTRATION ACT 1965

Reference No.. 263/D/9-10

In the Matter of Beesley Green
Salford

DECISION

These disputes relate to and are occasioned by the conflicting registrations at Entry No 1 in the Land Section of Register Unit No.CL.189 in the Register of Common Land and at Entry No.1 in the Land Section of Register Unit No.VG.30 in the Register of Town and Village Greens which registers are maintained by the Greater Manchester County Council.

I held a hearing for the purpose of inquiring into the dispute at Salford on 4 April 1979. The hearing was attended by Mr M G M Brogden, Solicitor, of the Registration Authority, but by no other person.

The registration as common land was made on the application of Mr H T Tyldesley, and the registration as village green by Worsley U D C to which Salford Metropolitan D.C is the successor. Mr Tyldesley in a letter dated 1 March 1979 stated that he wished to withdraw his application, as the designation village green would be satisfactory to him. There was also a written request signed by him and on behalf of the Salford City Council which I gathered was intended as a request to confirm the registration as village green but was, on the face of it, ambiguous.

Mr Brogden whilst not making any submission as to the appropriate registration of the land, drew my attention to an agreement a copy of which was found in the Registration Authority's records and produced at the hearing. This agreement dated 10 July 1922 was made between the Earl of Ellesmere and Worsley U D C and recited that Beesley Green was waste land of the manor of Worsley and the property of the Earl as Lord of the Manor. It provided that the council could assume the management and control of the Green as a Public Recreation Ground: and further that either party might terminate the Agreement on three months' notice and that on termination the parties should be deemed to have reassumed their existing rights.

On this evidence, the Green could not, in my view, fall within either of the first two limbs of the definition of village green in Section 22(1) of the Act of 1965: as regards the third limb I have no evidence as to indulgence in sports and pastimes by the inhabitants of any locality, and determinable rights to management and control as a Public Recreation Ground seem to me, without more, a somewhat flimsy basis for registration as a village green. As against this, the Agreement does I think sufficiently establish that the Green was waste land of the manor.

I understood that Salford Metropolitan DC had been informed of the question arising by reference to the Agreement, but there was no attendance on their behalf.

In these circumstances I am not disposed to confirm the village green registration simply because the parties may have so agreed, and I shall confirm the registration as common land and refuse to confirm the registration as a village green.

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

21st August

1979

L. J. Lewis Smith
Commons Commissioner