



Reference No. 263/U/4

In the Matter of Sholver Fold
and Sholver Green, Oldham
Greater Manchester

DECISION

This reference relates to the question of the ownership of land known as Sholver Fold and Sholver Green, Oldham (formerly Oldham County Borough) 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 Greater Manchester 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 Oldham Metropolitan Borough Council said (letter of 13 January 1982) that under the Oldham (Sholver Green) Compulsory Purchase Order 1968 four pieces of this land of varying areas were acquired by their predecessor Oldham County Borough for highway purposes. No person claimed to be the freehold owner of the land in question and no other person 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 Manchester on 15 February 1982. At the hearing Greater Manchester County Council were represented by Mr M Brogden, solicitor of their Legal Office.

The land contains about 2.58 acres. Part of it (two pieces very small when compared with the whole) near and within its north boundary are registered freehold at HM Land Registry under the Land Registration Acts 1925 to 1971 under Title Nos. GM 27416 and LA 29346. This hearing being under section 8 of the 1965 Act I am not concerned with the part so registered, see section 13 of the Act and regulation 21 of the Commons Registration (General) Regulations 1966.

In the 1968 Order (a copy of which was sent to me by the Borough Council) the four pieces to be acquired under it are described as having "owners or reputed owners" and "lessees or reputed lessees" who are "not known". The Order provides for land to be given in exchange for the land taken under it; I am not concerned with the land so to be given because it is not included in this Register Unit.

On this reference I need only consider the ownership of the land for a legal estate in fee simple, see sections 8 and 22 of the 1965 Act. The 1968 Order did not by itself have the effect of vesting in the Oldham County Borough Council the legal estate in the four pieces they were thereby authorised to acquire; I suppose they could have and the Greater Manchester County Council as their successors could now by taking appropriate steps under the law relating to compulsory purchase get in the legal estate but as I understood Mr Brogden such steps have not yet been taken and are not immediately contemplated. As matters now stand I can only conclude that the ownership of these four pieces is just as unknown as is the ownership of the remainder of the land (other than the said registered part) of the land in this Register Unit.



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After some discussion with Mr Brogden, it seemed to me that because this hearing is held under section 8 of the 1965 Act during proceedings for compulsory purchase which have been begun but not completed, it is having regard to sub section (3) in this case more convenient that I should (rather than adjourn the hearing to enable the compulsory purchase proceedings to be completed) proceed at once under the 1965 Act. I therefore record that in the absence of any evidence I am not satisfied that any person is the owner of the said four pieces mentioned in the 1968 Order or of any of the other pieces which together make up the specified parts (hereinafter defined) of the land in this Register Unit, and I shall accordingly direct the Greater Manchester County Council pursuant to section 8(3) of the 1965 Act to register Oldham Metropolitan Borough Council as the owner of all the specified parts, and in my direction I shall define the specified parts as meaning the part of the said land which is not at HM Land Registry registered as freehold under the Land Registration Act 1925 to 1971 under Title No. GM 27416 or Title No. LA 29346. I give this direction on the basis that by appropriate conveyances made between the Borough Council and the County Council effect can (after the direction has been complied with) be given to the 1968 Order.

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 15th —

day of March — 1982

a. a. Baden Fuller

Commons Commissioner