



COMMONS REGISTRATION ACT 1965

Reference Nos 20/U/116
20/U/117

In the Matter of (1) The War Memorial
Green and (2) The Green at Holt Green,
Aughton, West Lancashire District,
Lancashire

DECISION

These references relate to the question of the ownership of lands known as (1) The War Memorial Green and (2) The Green at Holt Green, Aughton, West Lancashire District being the lands comprised in the Land Section of Register Unit (1) No VG. 38 and (2) No VG. 39 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 no person claimed to be the freehold owner of the land in question and no 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 lands at Preston on 9 May 1978. At the hearing Aughton Parish Council were represented by Mrs S Watkinson, their clerk.

Mrs Watkinson who has been clerk of the Parish Council for the last four years and who assisted her father when he was clerk for about 8 years before her (with one year interval), in the course of her evidence produced the Minute Books of the Parish Council for their meetings between 1935 and 1952 and for their meetings between 1952 and 1963. As regards the War Memorial Green containing (according to the Register) about 0.186 of a hectare, she said that it is a triangle of land with a stone (War Memorial) cenotaph on it, and drew my attention to the entries in the Minute Books showing that in 1938 and continuously from 1946 onwards the Parish Council have maintained it as she said they are now doing. As regards the Green at Holt Green containing (according to the Register) about 0.040 of a hectare, she said that on it is a memorial to the coronation of EM King George V and drew my attention to the entries in the Minute Books showing that in 1937 and continuously from 1946 the Parish Council have maintained it as, so she said, they are now doing.

On behalf of the Parish Council Mrs Watkinson claimed ownership. Under section 8 of the 1965 Act, a claim must succeed either under subsection (2) or under subsection (3), because if I am satisfied on the evidence given that the Parish Council are the owners, I am required by subsection (2) to direct their registration as owner; and if I am not satisfied that any person is the owner, and there was no evidence before me that any person other than the Parish Council could be the owner, I am required by subsection (3) to direct their registration as owners. So it may be that it will not matter if I am or am not satisfied as to the Parish Council's present ownership.



In my opinion the evidence of Mrs Watkinson establishes that the Parish Council are in possession of these lands and it is practically certain that their possession will not be disturbed; possession in such circumstances is equivalent to ownership. I am therefore 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 Aughton Parish Council as the owners of the lands 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 17th day of May - 1978

a. a. Bastin Fuller

Commons Commissioner