



COMMONS REGISTRATION ACT 1965

Reference No. 20/U/105

In the Matter of Thorpe Green, Royton,
Oldham Metropolitan Borough, Greater Manchester

DECISION

This reference relates to the question of the ownership of part of land which is known as Thorpe Green, Royton, Oldham Metropolitan Borough (formerly Royton Urban District), which is the land comprised in Land Section of Register No. CL.297 in the Register of Common Land maintained by the Greater Manchester (formerly Lancashire) County Council and of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner. The said part ("the Referred Part") is the part of the said land, the title to which is not registered under the Land Registration Acts 1926 to 1966 either under Title No. LA 112421 or Title No. LA 248203.

Following upon the public notice of this reference Solicitors writing on behalf of Mrs Jane Mawson claimed that she is the owner of property bounding onto Thorpe Green, enclosing with their letter two plans on which such property was marked. 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 Salford on 10 December 1975. The hearing was attended by Mrs E. Norton, who owns a house and land known as Treetops on the west or southwest of and outside the Referred Part.

Mrs Norton said (in effect):- Thorpe Green is a pleasant open space with grass, trees and shrubs. She made no claim to ownership.

I have no jurisdiction to determine nor am I concerned with the questions asked by Mrs Mawson's solicitors in their letter dated 8 December 1975 and sent to the Clerk of the Commons Commissioners, even assuming (as may well be the case) that the Referred Part includes some of the property of which Mrs Mawson claims to be the owner. In the absence of any evidence given on her behalf or on behalf of anyone else I am not satisfied that any person is the owner of the Referred Part and it will therefore be subject to protection under section 9 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 18th day of December — 1975

a. a. Baden Fuller

Commons Commissioner