



COMMONS REGISTRATION ACT 1965

Reference No. 43/U/19

In the Matter of the Village
Green, Eastrington, Howden R.D.,
Yorkshire (East Riding)

DECISION

This reference relates to the question of the ownership of land known as the Village Green situate south of St. Michael's Church and north of High Street at Eastrington, Howden Rural District being the land comprised in the Land Section of Register Unit No. VG.8 in the Register of Town or Village Greens maintained by the East Riding 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, although the Rural District Council wrote to say that they would have no objection to the Parish Council being registered as owners.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Beverley on 13 July 1973. The hearing was attended by Eastrington Parish Council who were represented by Mr. W. C. White one of their members.

Mr. White who is 71 years of age, was born in the Village, has lived there all his life, has been a member of the Parish Council for 20 years and of the Rural District Council for 14 years, gave evidence:- The Green has an open frontage of about 15 yards on the High Street; across it is a footpath about 30 yards long leading to a gate in the wall of the church yard of Saint Michael's Church. The Green is enclosed on the west side by the wall of the Black Swan Inn and of the land behind, and on the east side by the walls of some cottage front gardens. Apart from the footpath, it is grass land. The Parish Council have as long as he could remember maintained the Green by cutting the grass: on one occasion about 20 years ago they allowed a roundabout to be set up there, but this has not been allowed since. There is a notice: "No Parking on this Green, By order of the Parish Council

If I am satisfied on the evidence of Mr. White that the Parish Council is the owner, I am required by subsection (2) of section 8 of the 1965 Act to direct the Parish Council to be registered as owner; but if I am not satisfied that any person is the owner, I am required by subsection (3) to direct the Parish Council to be registered as owner. So in the particular circumstances of this case, there being no other claimant, it may be of no practical consequence whether I am or am not satisfied.

Mr. White told me that he had always regarded the Parish Council as the owner and that the minute books going back to 1894 contain many references to the Green. The situation of the Green is such that it probably has been parish property from time immemorial. Having regard to Mr. Whites great experience of the affairs of the Village, and notwithstanding that he did not produce any document supporting the claim of the Parish Council, I can I think (there being no other claimant) properly conclude that the Parish Council is the owner.



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For these reasons I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the East Riding County Council, as registration authority, to register Eastington Parish Council as the owner of the land 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

27th

day of

July

1973.

a. a. Baden Fuller

Commons Commissioner