



COMMONS REGISTRATION ACT 1965

Reference No. 45/U/291  
45/U/292

In the Matter of (1) Malham Raikes and (2) Old  
School Land, Malham, Craven District, North Scotland

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DECISION

These reference relate to the question of the ownership of lands known as (1) Malham Raikes and (2) Old School Land both in Malham, Craven District being the lands comprised in the Land Section of Register Unit (1) No. CL. 586 and (2) No. CL. 585 respectively in the Register of Common Land maintained by the North Yorkshire County Council (formerly West Riding County Council) of which no person is registered under section 4 of the Commons Commissioners Registration Act 1965 as the owner.

Following upon the public notice of this reference no person claimed to be the freehold owner of the lands in question and Mr W A Brayshay of 11 Harrowby Road, West Park, Leeds gave some information about the Old School as being possibly relevant to the ownership of the Old School Land. No other person claimed to have information as to the ownership of these lands.

I held a hearing for the purpose of inquiring into the question of the ownership of the lands at Skipton on 23 March 1976. The hearing was attended by Mr John Geldard as representing the Parish Meeting of Malham.

The CL. 586 Land (the Raikes) contains (according to the Register) 0.531 hectares (1.312 acres) and comprises two strips, one about 200 yards long on the west side and the other about a quarter of a mile long on the east side, of the road from Malham Tarn into the Village. The CL. 585 Land (Old School Land) contains (according to the Register) 0.130 hectares (0.32 acres), and is an irregular-shaped piece south and east of the Old School and on the opposite side of the road to the south part of the CL. 586 Land.

Mr Geldard said (in effect):- These lands used to be used by cattle drovers when cattle droving from the Malham Tarn direction through the Village to Skipton; further in the old days when sheep fairs were held in the Village, the lands were used to accommodate the sheep until sold. On the CL. 585 Land (Old School Land), during the fairs sheep were penned (he produced a photograph taken about 100 years ago showing sheep penned elsewhere in the Village as they would have been penned on this land) he could remember people in the Village grazing goats on the Lands and milking them. On the CL. 585 Land (the Old School) there is a magnificent tree about 300 years old, but there are no records as to why it was planted.

Mr Geldard contended that these lands should belong to the Parish Council, who maintained other plots of land in the Village.



By section 8 of the 1965 Act, under which I held this hearing, I am required to determine whether I am "satisfied" as to ownership; I have no jurisdiction to vest land in a parish council merely because it may be expedient. In the absence of any evidence, I am not satisfied that any person is the owner of these lands and they 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 26<sup>th</sup> day of April — 1976

*a. a. Baden Fuller*

Commons Commissioner