



COMMONS REGISTRATION ACT 1965

Reference Nos. 268/U/307  
268/U/308

In the Matter of (1) two pieces and  
(2) a piece of land at Ricall on  
the south side of Silver Street,  
Selby District, North Yorkshire

DECISION

These references relate to the question of the ownership <sup>of</sup> (1) two pieces and (2) a piece of land at Ricall on the south side of Silver Street, Selby District being the lands comprised in the Land Section of Register Unit (1) No.VG44 and (2) No. VG65 in the Register of Town or Village Greens maintained by the North Yorkshire (formerly 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 these references Ricall Parish Council claimed (their Clerk's letter of 23 November 1984) ownership. No other person claimed to be the freehold owner of the lands in question or to have information as to their ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at York on 21 February 1985. At the hearing, Ricall Parish Council were represented by Mr John Thomas Deans their vicechairman.

These three pieces together make up most of the western part of a larger triangular area bounded on the east by the Main Street (the York-Selby A19 road), on the north by Silver Street and on the southwest by the road by the Church. The VG44 pieces are two grass areas at the west end of the larger triangular area and each is protected by a concrete post and wood bar low fence. The VG65 is part of an open space extending from Silver Street opposite the Hare and Hounds Public House to the road by the Church.

Mr Deans who has lived in the Parish since 1969 when he became a member of the Parish Council and has been vicechairman since 1980, in the course of his oral evidence produced a conveyance dated 23 March 1984 by which Bass Holdings Limited conveyed to the Parish Council of Ricall land described as part of the Village Green included in an indenture of 11 October 1886, being the said open space and including the VG65 land.

About the VG64 land Mr Deans said (in effect):- Before the 1984 conveyance was made, the Parish Council were advised by their Solicitors who he understood had investigated the title very thoroughly. The land is an open space; the building on the map marked Sunday School is now a Church Hall.

About the VG44 land Mr Deans said (in effect):- The opposition of Bass Holdings Limited for the registration had been withdrawn, see the decision dated 9 June 1983 made by Mr Commons Commissioner Hesketh after a hearing on 12 May 1983 (reference 268/D/414). The Parish Council had no documentary evidence. It appears from their Minute Book that they have maintained the land since the turn of the century by grass cutting and bulb planting and paying for an employee and that





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in 1904 they planted a lime tree which still stands and is a very fine example, and the owners of the annual fair on the Village Green (no such fair has been held for about 10 or 15 years) paid to the Parish Council rent.

Under subsection (2) of section 8 of the 1965 Act, I am required to consider whether I am satisfied that any person (particularly the Parish Council being in this case the only claimant) is the owner of these lands. The title offered for the VG65 land is short; but I think I can overlook this because the 1984 conveyance was for valuable consideration, recites the land was before 1926 copyhold of the Manor of Riccall with Newbald and Cawthorpe and mentions the documents under which the land has devolved, I can accept that the title was competently investigated and found satisfactory. The title to the VG44 land might have been supported by the production of the Minute Book but because the land is apparently village green such as would ordinarily belong to a parish, I think I can accept Mr Dean's evidence as enough.

For the above reasons I am satisfied that the Parish Council are the owners of the lands, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register Riccall Parish Council as the owners of both the VG44 and VG65 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

6<sup>th</sup>

day of

January

1986

a. a. Baker Fuller

Commons Commissioner