



COMMONS REGISTRATION ACT 1965

Reference No 45/U/307

In the Matter of a plot of land in Horton in
Ribblesdale, Craven District, North Yorkshire

DECISION

This reference relates to the question of the ownership of land now or formerly known as Brown Haw containing (according to the Register) 1.239 hectares (3.06 acres) and just north of Sell Gill Holes, Horton in Ribblesdale, Craven District being the land comprised in the Land Section of Register Unit No. CL. 287 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 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 land at Skipton on 25 March 1976. At the hearing Horton in Ribblesdale Parish Council were represented by Mr H Jordon solicitor of Jordon Charlesworth & Co, Solicitors of Settle. Mr Jordon said he also represented the Trustees of the Dole Charities below mentioned on the instructions of their clerk, Mr P F Bayes (who is also clerk of the Parish Council).

Mr Jordon produced: (1) a printed draft scheme intended to be sealed in 1903 by the Charity Commissioners for the regulation of the charities described as John William Foster, Nanny Foster, Preston Poor's Land and Poor Folks Close, and (2) a letter dated 20 June 1962 from the Charity Commissioners referring to this scheme as dated 28 April 1903 and to the Charities as locally known in Horton in Ribblesdale as the Dole Charities. The Scheme provides for two of the Trustees to be appointed by the Parish Council and for the four others to be coopted.

Mr Jordon identified the land comprised in this Register Unit with that in the Schedule to the 1903 Scheme described as Brown Haw, 1A OR 31P, under the heading "The Poor Folks Close", and said that the Trustees now receive £15 a year from it.

In the 1962 letter it is said: "The income of the Poor Folks Close was in 1826 applied with the income of the Preston Poor's Land for the benefit of poor housekeepers".



It may be that the land in this Register Unit also includes the two acres in the Schedule described as allotment on Horton Moor under the heading "The Preston Poor's Land". However this may be, by the Scheme the freehold lands therein comprised, are thereby vested in the Official Trustee of Charity Lands, and I am therefore satisfied that the land in this Register Unit is now vested in the Official Custodian for Charities as his successor, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register the Official Custodian for Charities 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 *23rd* day of *April* 1976

[Signature]

Commons Commissioner