



COMMONS REGISTRATION ACT 1965

Reference No.45/U/220

In the Matter of Checkstone Bed, River Nidd,
Scotton, North Yorkshire (No.2)

DECISION

This reference relates to the question of the ownership of land known as Checkstone Bed, River Nidd, Scotton, being the land comprised in the Land Section of Register Unit No.CL 413 in the Register of Common Land maintained by the former West Riding of Yorkshire 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 one 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 Harrogate on 25th March 1974.

There was no appearance at that hearing and I proceeded to give my decision on that basis.

Subsequently, on the application of the Scotton Parish Council, I decided to set aside my decision and re-open the hearing under Reg.121 of the Commons Commissioners Regulations 1971.

I re-opened the hearing at Harrogate on 6th May 1975. At this hearing the Parish Council was represented by Mr P.W.Jones, its Clerk. Mr P.R.Giles, solicitor, appeared for Mrs M.G.Hall, the owner of the land to the north of the land in question, which had formerly been included in the Register Unit, but subsequently removed.

The land in question was allotted under the Award made 5th February 1830 under the Scriven Moor and Scotton Moor Inclosure Act (9 Geo.IV, c.12) to the Surveyors of the Highways of the Township of Scotton for the common use of all persons interested therein to be used as a public gravel pit and sand bed.

It appears from a letter dated 12th May 1938 from the Clerk of the West Riding County Council that all the gravel had been removed from the land many years previously. By 1928 it had come under the control of the Parish Meeting. On 26th March 1928 it was resolved in reply to a letter from the Knaresborough Rural District Council offering to buy or rent the land that it should not be sold or let, but retained for the pleasure of the parishioners of Scotton, and on 25th March 1929 it was decided to let the fishing rights to the Fisheries Board for 10/- a year. Since 1962 the fishing rights have been let by the Parish Council to an angling club. The land is now used as a pleasure ground.



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On this evidence I am satisfied that the Parish Council has acquired a possessory title to the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register the Scotton 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 11th day of June 1975

Chief Commons Commissioner