



COMMONS REGISTRATION ACT 1965

Reference No 45/U/125

In the Matter of Cross Hill,
Little Smeaton, Selby D

DECISION

This reference relates to the question of the ownership of land known as Cross Hill, Little Smeaton, Selby D, being the land comprised in the Land Section of Register Unit No CL.151 in the Register of Common Land maintained by the former 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 Little Smeaton Parish Council claimed to be the freehold owner of the land in question and no other 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 York on 29 June 1976.

Mr Atherton of Messrs Carter Bentley & Gundill appeared for Little Smeaton Parish Council and produced a statutory declaration dated 25 June 1976 made by G F Gibson, clerk to the Parish Council since 1947, to which were exhibited extracts from an Inclosure Award of 1788 and a photostat copy of the relevant map which established that the land was allotted to the Surveyor of the Littleways for the time being in the Township of Little Smeaton for the repair of the road in the Township and for the use of the inhabitants thereof. Mr Gibson further declared that as long as he could remember the Parish had been in receipt of rents and profits of the land in question.

On this evidence I am satisfied that Little Smeaton Parish Council is the owner of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register Little Smeaton 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 19th day of July 1976

C A. Settle

Commons Commissioner