



COMMONS REGISTRATION ACT 1965

Reference No.45/U/155

In the Matter of Laverton Quarry, Laverton,
Kirkby Malzeard, Laverton and Dallowgill,
North Yorkshire.

DECISION

This reference relates to the question of the ownership of land known as Laverton Quarry, Laverton, Kirkby Malzeard, Laverton and Dallowgill, being the land comprised in the Land Section of Register Unit No.CL 375 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 8th May 1975.

At the hearing the Kirkby Malzeard, Laverton and Dallowgill Parish Council was represented by Mr J.H.Nicholson, one of its members. Mr Nicholson stated that the land was awarded as a quarry to the former parishes of Laverton and Azerley, but he did not produce the award or awards so that I am unable to determine how, if at all, the ownership of the land was affected thereby. However, in 1953 the former Laverton Parish Council let to the West Riding of Yorkshire County Council for a term of 20 years from 1st September 1953 $1\frac{1}{2}$ ac. of the land at the yearly rent of £10 as a hardstanding for the storage of highway materials. This rent was paid during the period of the lease. The remainder of the land has been used for the dumping of builders' rubbish under the control of the Parish Council for the time being. It therefore appears that the present Parish Council and its predecessor have been in undisputed possession of this land during a period of upwards of 20 years.

On this evidence I am satisfied that the Kirkby Malzeard, Laverton and Dallowgill Parish Council is the owner of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register the 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 14th day of August 1975


Chief Commons Commissioner