



COMMONS REGISTRATION ACT 1965

Reference No. 268/U/4

In the Matter of Site of the Old Village Pond,
Low Hawsker, Hawsker-cum-Stainsacre, North Yorkshire.

DECISION

This reference relates to the question of the ownership of land known as the site of the old village pond, Low Hawsker, Hawsker-cum-Stainsacre, being the land comprised in the Land Section of Register Unit No. CL 5 in the Register of Common Land maintained by the former North 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 the Hawsker-cum-Stainsacre 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 Scarborough on 5th November 1974.

Mr J. Buttery, a member of the Parish Council, represented the Parish Council at the hearing.

The pond which formerly occupied the land the subject of the reference became redundant on the advent of a public water supply to the village. By 1931 the discharge of sewage into the pond had become a nuisance, but nothing was done about it until 1948, when the Parish Council employed a local contractor to clean it out. At the Parish Meeting held on 22nd March 1962 the pond was described as having become "nothing less than an open sewer, a communal tip, and an eye-sore". Shortly after this the Parish Council caused the pond to be filled in and the site levelled and seeded with grass. Since that time the land has been tended by the Parish Council, which has cut the grass and planted trees, shrubs, and bulbs. The Parish Council has also erected a post and chain fence along the road frontage to keep off vehicles.

These actions have not been the subject of objection from anyone claiming to be the owner, and it seems to me that the Parish Council has now acquired a possessory title to the land. I am therefore satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register the Hawsker-cum-Stainsacre 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 **29th** day of November 1974


Chief Commons Commissioner

