



COMMONS REGISTRATION ACT 1965

Reference No.43/U/18

In the Matter of Spring Head,
Flixton, Folkton, North Yorkshire (No. 2)

DECISION

This reference relates to the question of the ownership of land known as Spring Head, Flixton, Folkton, being the land comprised in the Land Section of Register Unit No. CL 26 in the Register of Common Land maintained by the former East 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 Scarborough on 5th November 1974. There was no appearance at that hearing and in the absence of any evidence I was not satisfied that any person was the owner of the land, and I gave my decision accordingly.

After my decision was published the Clerk to the Folkton Parish Council applied to have the decision set aside and the hearing re-opened, which application I allowed.

I re-opened the hearing at Whitby on 3rd June 1975. At the hearing I heard Mr K. Henderson, the Administrative Officer for the Southern Area of the Scarborough Council, on behalf of the Parish Council.

It appears from the minutes of the Parish Council that the Council has been doing substantial works of maintenance on the land in question since 1954. Furthermore, the Council have since 1964 received small sums in respect of an easement and for the use of part of the land. The evidence is not strong, but I have come to the conclusion that I am just able to find that the Council has acquired a possessory title to the land. I shall accordingly direct the North Yorkshire County Council, as registration authority, to register the Folkton 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 25th day of June 1975

Chief Commons Commissioner

