



In the matter of The Chapel Green,
High Hawsker, Hawsker-cum-Stainsacre,
Scarborough Borough, North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as The Chapel Green, High Hawsker, in Hawsker-cum-Stainsacre, Scarborough Borough being the land comprised in the Land Section of Register Unit No. VG 62 in the Register of Town or Village Greens maintained by the North Yorkshire (formerly 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 Hawsker-cum-Stainsacre Local Council said (their Clerk's letter of 9 September 1983) that the Hawsker/Stainsacre Parish Council wished to claim ownership of the land in question, that they had the land registered in 1975, that they thought they owned the land and that they had therefore been looking after it. No other person claimed to be the freehold owner of the land or 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 20 February 1985. At the hearing Hawsker-cum-Stainsacre Local Council were represented by their chairman Mr J P Tindale, and Mr Francis Cummins one of their members.

Mr Cummins said (in effect):- The Council had no deeds relating to this land. Since its registration they had looked after the seat and planted trees. There are very few green swards left in the Parish, and the Council want them to belong to them.

The care of the land by the Council described by Mr Cummins is too recent to be satisfactory evidence of their ownership. In the absence of any evidence of the ownership of any other person, I am not satisfied that any person is the owner of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register Hawsker-cum-Stainsacre Local Council as the owner of the land under section 8(3) 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 13th — day of December — 1985

A. A. Barker Fuller

Commons Commissioner