



COMMONS REGISTRATION ACT 1965

Reference No.45/U/33

In the Matter of The Common,
Roecliffe, Nidderdale R.D.,
Yorkshire West Riding

DECISION

This reference relates to the question of the ownership of land known as The Common, Roecliffe, Nidderdale Rural District being the land comprised in the Land Section of Register Unit No.CL.25 in the Register of Common Land maintained by the 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 Roecliffe 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 Harrogate on 30 October 1973. At the hearing the Parish Council were represented by Mr. N. R. Dyson solicitor of E. Fitzgerald-Hart & Son, Solicitors of Wetherby.

Evidence was given by Squadron Leader L. Welch (he has resided in Roecliffe since 1953 and is and since 1956 has been clerk of the Parish Council) and in affidavits by Mr. J. G. Benson (he is 51 years of age, has except during the war lived in Roecliffe all his life, was a regular attender at the Parish Meetings since 1947, and has been a Councillor for about 10 years and chairman of the Parish Council since March 1972), by Mr. R. H. Crozier (he lived from 1937 to 1952 at the Manor Farm, Roecliffe and has since lived at The Lilacs overlooking the Village Green) and by Mr. G. A. H. Ingram (he was born in 1911 and until 1920 lived at The Farm, Roecliffe and afterwards with his parents until 1932 at the Crown Inn, Roecliffe). The following documents were produced:- The Roecliffe Inclosure Award dated 16 November 1841, with map annexed; the Minute Book of the Parish Meeting and Parish Council from 1894 to 1970 (the Council was formed in 1952); and an Account Book entitled "Roecliffe Township A/C" and apparently extending from 1927 to 1957.

The land ("the Unit Land") comprised in this Register Unit contains (according to the Register) about 4.07 acres. It is near the west end of the Village. The main road from the Village to Ripon runs across the south east part of the Unit Land; it is also crossed by a farm road leading to Roecliffe Grange Farm and by a footpath; the rest of the Unit Land is for the most part scrub (blackthorn etc.) with some recently planted trees (sycamore, oak, silver birch, weeping willow, rowan and laburnum).

The Award map shows the Unit Land as a piece of land not subject to any allotment and delineates it continuously with the roads and Village Green.



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The evidence showed that as far back as the witnesses remembered and as far back as the Minute Books record, the Parish Meeting and the Parish Council have successively been in possession of the Unit Land, by letting the eatage (recorded 1895 to 1900, 1911, 1913, 1929, 1931, 1942 to 1962 and known to witnesses from the 1930's), by preserving the grass (1896, a request not to cart or drive across it), by gate repairs (recorded 1902 and 1912; the gates are no longer there), by keeping down rabbits (recorded 1961) and by arranging for the newly planted trees as above mentioned (1970 onwards).

The history and appearance of the Unit Land is such that it is likely that it has been Parish property from time immemorial, and is therefore now vested in the Parish Council by operation of law. However this may be, I conclude that the Parish Council are now in possession and that it is practically certain that their possession will not be disturbed. Possession in such circumstances is equivalent to ownership.

For these reasons I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the West Riding County Council, as registration authority, to register Roecliffe 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 16th day of November 1973.

a. a. Baden Fuller

Commons Commissioner

