



COMMONS REGISTRATION ACT 1965

Reference No.45/U/27

In the Matter of The Free Landing,
Great Ouseburn, Nidderdale R.D.,
Yorkshire West Riding

DECISION

This reference relates to the question of the ownership of land known as The Free Landing, Great Ouseburn, Nidderdale Rural District being the land comprised in the Land Section of Register Unit No:CL.36 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 no person claimed to be the freehold owner of the land in question and no 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 31 October 1973. At the hearing the Great Ouseburn Parish Council were represented by Miss E. M. Wilby, their clerk.

Miss Wilby who has resided in Great Ouseburn since 1953 and been clerk of the Council since 1955, gave evidence. After the hearing I inspected the land.

The land ("the Unit Land") comprised in this Register Unit contains (according to the Register) about 1.24 acres. On its east side (about 50 yards) it is bounded by the River Ure (about one mile north of where the River receives the name of Ouse); on its south side (about 200 yards if the front of the Toll House is included) it is bounded by the road leading from Little Ouseburn to the Toll Bridge over the River to Aldwark and Linton-upon-Ouse. The Toll House and its garden, although on the same side of the road, are not included in the Unit Land.

Miss Wilby produced various Parish records held by the Parish Council including the Minute Book of the Parish Council from April 1946 onwards, the Parish Council Receipts and Payments Books for 1948 to 1966 and for 1966 onwards and a counterpart licence dated 1 April 1971 by which the Parish Council granted to Mr. D. Morton a non-assignable 364 days in the year licence to occupy the Unit Land (other than the small triangular piece which is the west part of the Unit Land and which is open to the road), he paying £15 and agreeing to keep tidy the land he so occupied.

From the Minute Book, it appeared that at meetings on 2 July 1946, 1 October 1946, 28 April 1947, 5 October 1948 and 7 May 1956 the Parish Council were concerned to prevent "the Free Landing" from being damaged or fenced, and that at the meeting on 28 April 1947 they directed a letter to be sent to Mr. Boothroyd informing him "he must not fence in the Free Landing which is Council property".

The Unit Land has always been known as the Free Landing; it is said locally that any inhabitant of the Village has a right to use it free of charge. In respect of the "Free Landing" the Parish Council in 1965 received £5 from Mr. Boothroyd and between



1967 and 1969 received 25, annually from Mr. W. E. Jackson; these receipts appeared in the Receipts and Payments Books produced. Payments made by Mr. Boothroyd, Mr. Jackson and Mr. Morton were all for use by non-residents. The Parish Council now have under consideration the provision (in conjunction with the Rural District Council) of toilet accommodation and of better car parking facilities off the road.

It may be that the Unit Land has always been Parish property, and is therefore now vested in the Parish Council by operation of law. However this may be from the evidence outlined above I am satisfied that the Parish Council are in possession of the Unit Land (I see no reason to make any distinction between the greater part expressly described in the 1971 licence and the small triangular piece at the west end) 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 Great Ouseburn Parish Council as the owner of the land under section 8(2) of the Act of 1965.

I am required by regulation 50(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.

W. A. S. S. S. S.

Commons Commissioner

