



COMMONS REGISTRATION ACT 1965

Reference No.268/U/23

In the Matter of The Pound,
The Shambles, and Howgreen Pond,
Kirkbymoorside, North Yorkshire.

DECISION

This reference relates to the question of the ownership of land known as The Pound, The Shambles, and Howgreen Pond, Kirkbymoorside, being the land comprised in the Land Section of Register Unit No.CL 166 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 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 Malton on 12th February 1975.

The hearing was attended by Mr R.W.Sykes, the Clerk of the Kirkbymoorside Town Council, and by Mr B.Fletcher, the Chairman of the Trustees of the Kirkbymoorside War Memorial Hall.

Mr Sykes was unable to adduce any evidence as to the ownership of any of the three pieces of land in question.

The piece of land known as The Shambles is an open cobbled area adjoining the east side of the War Memorial Hall. In 1958 the Trustees of the War Memorial Hall rebuilt the urinal on the east side of the Hall. The new urinal is larger than the old one and part of it stands on land comprised in the Register Unit. There has been no objection on the part of anyone claiming to be the owner of this small area.

On this evidence it appears that the Trustees have acquired a possessory title and I am therefore satisfied that the Trustees are the owners of this small portion of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register them as the owners of this part of the land under section 8(2) of the Act of 1965. The rest will remain subject to protection under section 9 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 3rd day of March 1975

Chief Commons Commissioner