



COMMONS REGISTRATION ACT 1965

Reference No.45/U/19

In the Matter of the two Pump Yards,  
Main Street, Saxton cum Scarthingwell,  
Tadcaster R.D., Yorkshire.

DECISION

This reference relates to the question of the ownership of land known as the two Pump Yards, Main Street, Saxton cum Scarthingwell, Tadcaster Rural District, being the land comprised in the Land Section of Register Unit No. C.L.80 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 Wakefield on 18th May 1972.

On behalf of the Saxton cum Scarthingwell Parish Council ("the Council") evidence was given by Mrs. F.M. Middleton who is and has been for the last 9 years their clerk. She has lived in the Village all her life and can remember the Pump Yards as they have been for the last 45 years and upwards.

Each Pump Yard is a rectangular piece of land on the side of the Main Street. They are some distance apart and together have an area of about 38 square yards. Each Yard is open on the street side and enclosed on the three other sides by low stone walls (about a yard high); the two side walls of each of the Yards is included in the land the subject of this reference; the back wall is part of the property occupied by the tenant of the adjoining land.

As Mrs. Middleton first remembers the Yards, there was a pump in each and from these two pumps the inhabitants of the Village obtained the water they needed. About 45 years ago, the Leeds Water Company brought their pipe to the Village, and the pumps although not then removed, were no longer needed. At first the Yards became overgrown with nettles, but very soon they were tidied up and have been kept tidy ever since.

Recently the old pumps have been replaced by "mock pumps" with a trough; the Yards have been paved with stone slabs and shrubs and trees planted in the corners. This was done (so as to be ready for the Village competition) by the Council and at their own expense.

Mrs. Middleton was able to say that for at least the last 20 years the periodical tidying up of the Yards (removing litter, keeping down weeds, keeping the walls in repair and so forth) which she knows has been done by someone for much longer, was done by and at the expense of the Council. The Council would, Mrs. Middleton said, have objected if anyone had tried to use the Yards as tips.



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The Council has I think established that they are now in possession of the Yards.

From the use made of the pumps by the Village when they were the only source of water, I infer either (i) the inhabitants had a customary right so to use the pumps notwithstanding that the land was owned by some individual or corporation; or (ii) the land was vested in the churchwardens and overseers of the parish as parish property. If (as is, I think, likely) the second alternative be right, the land is now vested in the Council under section 5 of the Local Government Act 1894. If (as is, I think, unlikely) the first alternative be right it is, I think practically certain that the individual or corporation, having stood by and done nothing for so long, will never successfully bring proceedings against the Council to recover possession.

Possession which it is practically certain will never be disturbed is equivalent to ownership.

For these reasons I am satisfied that the Council is the owner of the land, and I shall accordingly direct the West Riding County Council, as registration authority, to register Saxton cum Scarthingwell Parish Council as the owner of the land.

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.

a. a. Baden Fuller

Dated this 10<sup>th</sup> day of July 1972

Commons Commissioner