



COMMONS REGISTRATION ACT 1965

Reference No.45/U/218

Garden
In the Matter of The Village ~~Garden~~
Rufforth, North Yorkshire.

DECISION

*Contracted
under Reg.
33
G.S.
28/6/74*

This reference relates to the question of the ownership of land known as The Village ~~Garden~~, Rufforth, being the land comprised in the Land Section of Register Unit No.C.L.537 in the Register of Common Land maintained by the former West Riding of Yorkshire 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 Harrogate on 25th March 1974.

At the hearing the Rufforth Parish Council was represented by Mrs. D.P. Johnstone, its Clerk.

Mrs. Johnstone put in affidavits by two residents in the parish, who have lived in the parish of Rufforth since the latter part of the nineteenth century. Both said that the land in question had not been used by anyone until 22nd March 1965, when it was agreed at the annual general meeting of the Parish Council that the land should be developed for use as a garden and that seats should be provided for the use of the people of Rufforth. This has since been done and the Parish Council has spent about £40 on it without any adverse claim being made.

It would appear that the Parish Council is well on its way towards acquiring a possessory title to this land, but on the evidence I cannot say that I am satisfied that the Council is yet the owner. I can only say that I am not satisfied that any person is the owner of the land and it will therefore be 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 *25th* day of April 1974

G.S. Quibb
Chief Commons Commissioner

