



In the Matter of The Village Pond, Warthill,
North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as The Village Pond, Warthill, being the land comprised in the Land Section of Register Unit No. CL 221 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 12 October 1977.

At the hearing the Warthill Parish Council was represented by Mr R Thorp, its Chairman.

Mr Thorp informed me that the Parish Council has cleaned out the pond and maintained it. However, he said that the Council only began to take an interest in the pond in 1973. Even if what the Council has done could be said to constitute taking possession of the pond, that possession has not continued nearly long enough to found a possessory title.

On this evidence I am not satisfied that any person is the owner of the land, and it will therefore 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 31st day of October 1977

Chief Commons Commissioner