



COMMONS REGISTRATION ACT 1965

Reference No.45/U/96

In the Matter of Waste Piece, Glusburn,
Yorkshire (West Riding).

DECISION

This reference relates to the question of the ownership of land known as Waste Piece, Glusburn, being the land comprised in the Land Section of Register Unit No.C.L.12 in the Register of Common Land maintained by the 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 Mr.Fred Overend claimed to be the freehold owner of the land in question and no other 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 Skipton on 21st June 1973.

At the hearing Mr. Overend was represented by Mr. Colin Reeder, solicitor.

The land the subject of this reference is Plot No.2 set out and appointed by the Inclosure Award made under the Glusburn Moor Inclosure Act of 1778 (18 Geo.III, c.liv) for the getting of sand, gravel or stones for certain purposes mentioned in the Act. It was provided by the Act that, after deducting (inter alia) this parcel of land, one-twelfth of the residue of the commons and wastes should be allotted to the Lord of the Manor in compensation for his right and interest in and to the soil of such residue. In my view, the effect of this provision was to leave in the Lord of the Manor the freehold of the pieces of land which had to be deducted before the residue was allotted.

Mr. Reeder produced Mr. Overend's documents of title, from which it appears that he became a joint tenant of the Lordship of the Manor of Glusburn with Annie Overend and Mary Spence by a conveyance from Sir John Donald Horsfall, Bt, dated 14th November 1940. Annie Overend died on 12th February 1947, and Mary Spence conveyed her interest to Mr. Overend on 5th August 1950.

For these reasons I am satisfied that Mr. Overend is the owner of the land, and I shall accordingly direct the West Riding of Yorkshire County Council, as registration authority, to register him as the owner of the land under section 8(2) 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 20th day of July 1973


Chief Commons Commissioner