



In the Matter of Old School Field, Sykehouse,
South Yorkshire

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. VG 70 in the Register of Town or Village Greens maintained by the South Yorkshire Metropolitan County Council and is occasioned by Objection No. 30 made by the former West Riding County Council and noted in the Register on 12 August 1969.

I held a hearing for the purpose of inquiring into the dispute at Doncaster on 17 January 1984. The hearing was attended by Mr J V Scott, the Clerk of the Sykehouse Parish Council, the applicant for the registration, Mr P R Pennington, Solicitor, on behalf of the Doncaster Metropolitan Borough Council, and Mr W K Irving, the Legal Services Officer of the South Yorkshire Metropolitan County Council.

The land comprised in the Register Unit consists of an old School building and its curtilage. It passed to the former West Riding County Council, and when the school was closed the building was used as a village hall. By a Conveyance and trust deed made 7 March 1974 between (1) The County Council of the West Riding of Yorkshire (2) The Parish Council of Sykehouse the building and its curtilage were conveyed to the Parish Council to be held on trust as a village hall for the use of the inhabitants of the parish of Sykehouse for meetings and other forms of recreation and leisure-time occupations and the Parish Council was appointed the custodian trustee under Section 4(2) of the Public Trustee Act 1906.

The only limb of the definition of "town or village green" in Section 22(1) of the Commons Registration Act 1965 which is in any way relevant to this case is the third, namely, land on which the inhabitants of any locality have indulged in lawful sports and pastimes as of right for not less than twenty years. Since 7 March 1974 the indulgence of the inhabitants of the parish of Sykehouse in sports and pastimes has been in their capacities as the beneficiaries of a charitable trust, and before that it was as licensees of the former West Riding County Council. This, in my view, was not indulgence "as of right" within the meaning of Section 22(1) of the Act of 1965.

For this reason I refuse to confirm the registration.

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

26th

day of

January

1984

E. J. [Signature]

Chief Commons Commissioner