



In the Matter of Sandwith Hill, Auckley

DECISION

This reference relates to the question of the ownership of the land above mentioned being the land comprised in the Land Section of Register Unit No. CL 652 in the Register of Common Land maintained by the former 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 Auckley Parish Council 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 Doncaster on 15 June 1982. Mrs D J P Riley (a member) appeared for the Parish Council and informed me that the Parish Council had no documents of title to the land. She understood that the land was dealt with in an Inclosure Award made late in the 18th century. I suggested that if the award could be examined and the land identified it should be possible to discover to whom the land had been awarded. I have now been provided with a copy of Finningley Inclosure Award of 1778 which also relates to the parishes of Auckley and Blaxton which shows that the Register Unit was vested in the Surveyor of Highways. Under the Local Government Act, 1929 such land would have vested in the former Rural District Council of Doncaster and would have vested in 1974 in the Doncaster Metropolitan Borough Council pursuant to the Local Government Act, 1972.

On this evidence I am satisfied that Doncaster Metropolitan Borough Council is the owner of the land, and I shall accordingly direct the South Yorkshire County Council, as registration authority, to register Doncaster Metropolitan Borough Council 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

5th

day of

August

1982

George Hesketh

Commons Commissioner