



COMMONS REGISTRATION ACT 1965

Reference No.45/U/175

In the Matter of Sandwith Hills,
Auckley, Doncaster R.D., Yorkshire
West Riding

DECISION

This reference relates to the question of the ownership of land known as Sandwith Hills, Auckley, Doncaster Rural District being the land comprised in the Land Section of Register Unit No.CL.652 in the Register of Common Land maintained by the 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 Wakefield on 6 February 1974. At the hearing Auckley Parish Council were represented by Mrs. J. Sewell their clerk and by Mrs. D. J. P. Riley one of their members (also a member of the Doncaster Rural District Council).

The land according to the Register contains 0.405 hectares (about an acre), and fronts on Common Lane. This is a country lane coming from Auckley village (which is on the south east); the lane is not a through road, although there is a track which joins it to Thorne-Bawtry (A.614) road. The land, although rather wild, is an amenity to the Village.

In a letter dated 7 August 1973, Mrs. E. L. Orton (then clerk to the Parish Council) said that from enquiries made by the Parish Council, no one living in the Village knows who the land belongs to, except the Parish Council, that it had always been known to be a charity or poor land and had been assumed to belong to the Parish Council, although the Parish Council has no deed or proof of ownership.

Mrs. Riley handed me a statement to the same effect as the said letter with this additional information:- According to a local historian, who has been looking into the history of local bridle ways and footpaths there was an ancient bridle way from the direction of Hatfield which lay along the river Torne and joined Common Lane a few hundred yards from the Auckley side of the Bawtry to Thorne road. Cattle were driven along this road to Doncaster market, and Sandwith Hill was a stopping point for the cattle before the last stretch into Doncaster.

After some discussion, Mrs. Riley said that the Parish Council could not offer any evidence of ownership.

Although the letter and the statement both say in effect that the land has been assumed to belong to the Parish Council, I cannot I think from this properly conclude



that the Parish Council is in law the owner. The ~~information~~ information in the letter does not identify the charitable trust to which the land might be subject or show that the Parish Council would necessarily be the trustee of it. The use of the land as a stopping place for cattle does not support, and if anything is against, the land being subject to a charitable trust. By section 8 of the Act of 1965, I am required to state whether I am "satisfied that any person is the owner of the land"; I have no jurisdiction to award the land to the Parish Council merely because nobody else has claimed ownership and it is expedient that they should be owners.

In the absence of any evidence other than the said letter and statement 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

13th

day of

February

1974.

a a Baden Fuller

Commons Commissioner