

COMMONS REGISTRATION ACT 1965



Reference No. 45/U/228

In the Matter of The Pond, Royston

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DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL 289 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 Mr E L Edmunds and Barnsley Metropolitan Borough 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.

This reference had been previously before a Commissioner at Barnsley in March 1979 when both Mr Edmunds and the Borough Council had been represented. It was adjourned at the request of Mr Edmunds' Solicitor as his client was in Canada.

I was informed that Mr Edmunds brother would attend to give evidence but he did not appear and no evidence by statutory declaration or otherwise was put forward on Mr Edmunds behalf.

Mrs J Milton, Solicitor who appeared for the Borough Council produced a statutory declaration made on 11 June 1982 by Frederick Rhodes who had been in charge of Parks since before 1965 for the former Royston Urban District Council and the Borough Council its successor under the Local Government Act 1972. This evidence showed that since 1965 these two authorities had regularly maintained the Register unit without any adverse claim.

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

13<sup>th</sup>

day of

July

1982

*George Herkell*

Commons Commissioner