

COMMONS REGISTRATION ACT 1965



Reference No. 270/U/5

In the Matter of Havercroft Green, Havercroft
with Cold Hiendley, Wakefield. M.C.C.

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.148 in the Register of Common Land maintained by the West Yorkshire Metropolitan 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 no person claimed to be the freehold owner of the land in question ("the Unit Land") or 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 7 May 1985.

At the hearing Mr M P Heley, Solicitor, appeared on behalf of Havercroft and Cold Hiendley Parish Council, which claimed ownership: no other claimant appeared.

Mr Heley produced a Conveyance dated 9 March 1953 whereby the National Coal Board conveyed to the Parish Council in fee simple "all manorial rights and incidents relating to the surface" of the unit land subject to the reservation of mines and minerals and powers of working the same. The wording of the parcels does not appear to me to be appropriate or adequate to convey the land itself. However Mr M Cooper, the Chairman of the Parish Council, gave evidence to the effect that in 1953 the surface of the Unit Land was restored by the Parish Council which has since spent an average of £400 per annum on maintaining it. These in my view are acts of ownership and on the evidence as a whole I am satisfied that the Parish Council is the owner of the Unit Land.

I shall accordingly direct the West Yorkshire Metropolitan County Council, as registration authority, to register the Parish 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

19th

day of

June

1985

L. J. Morris Smith

Commons Commissioner