



COMMONS REGISTRATION ACT 1965

Reference No. 45/1/349

In the Matter of Kirkthorpe, Warmfield cum Heath,
Wakefield District, West Yorkshire

DECISION

This reference relates to the question of the ownership of land known as Kirkthorpe, Warmfield cum Heath, Wakefield District being the land comprised in the Land Section of Register Unit No. CL. 448 in the Register of Common Land maintained by the West Yorkshire 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 and no 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 7 April 1976. At the hearing Warmfield cum Heath Parish Council were represented by Mr R C Hebden, their chairman.

Mr Hebden described the land ("the Unit Land") comprised in this Register Unit which (according to the Register) contains 0.134 hectares (0.33 acres). It is a small area of grazing land which can only be conveniently grazed with an adjoining area generally regarded as an extension of a much larger area to the south known as Heath Common. This larger area is, so he thought, owned by the Trustees of Mrs D N Gray.

Mr J H Milne who in the next case after this hearing represented the Royal Bank of Scotland who are now the Trustees of Mrs D N Gray deceased, said that their records showed that the Trustees are the owners of Heath Common, and also of two small pieces of land near to the Unit Land which had been registered as common land, but they had nothing to show that they owned the Unit Land.

In the absence of any evidence 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 May —

1976

A. A. Baden Fuller

Commons Commissioner