



COMMONS REGISTRATION ACT 1965

Reference No.45/3/355

In the Matter of Land at Glovershaw Lane
(Baildon Moor) Bradford City Council

DECISION

This reference relates to the question of the ownership of land known as Land at Glovershaw Lane (Baildon Moor) Bradford City Council being the land comprised in the Land Section of Register Unit No.CL.349 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 and Mrs Garnett claimed to be the freehold owners of part 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 Bradford on 25 January 1978. Mr F R Ogden of Messrs. Thorp and Walker appeared for Mr and Mrs Garnett and Mr Castle appeared for Bradford City Council.

Mr and Mrs Garnett acquired Glovershaw Farm in 1965. Their purchase of the farm was negotiated with J W Holdsworth the former owner who unfortunately died before the date was completed. Mr Ogden frankly conceded that Mr and Mrs Garnett did not have a paper title to the land claimed by them but he produced a Statutory Declaration made by Mrs A D Holdsworth the widow of J W Holdsworth to the effect that she and her late husband always believed that the land now claimed by Mr and Mrs Garnett was comprised in Glovershaw Farm, that her late husband had had uninterrupted possession of that land from June 1943 and that he intended to convey the land to Mr and Mrs Garnett and also that he had held the title attributable thereto until he redeemed it in April 1959.

I doubt whether the late Mr Holdsworth did consider that he had acquired a possessory title for the reason that the conveyance by his P R Mrs Holdsworth did not convey without any warranty as to title, whatever interest he may have had to the land. In the absence of any evidence as to the use which Mr Holdsworth made of the land or any evidence that the land was enclosed, I find myself unable to hold that Mr and Mrs Garnett have a possessory title to the land claimed by them.

Mr Castle proved the title of Bradford City Council and I shall accordingly direct the West Yorkshire County Council as Registration Authority to register Bradford City 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 23rd ~~April~~ day of March 1978

Y A Le M.

Commons Commissioner