

COMMONS REGISTRATION ACT 1965

Reference No. 45/C/352

In the Matter of Land in Marsden Mr Hetherwood  
Kirklees B C

DECISION

This reference relates to the question of the ownership of land known as Land in Marsden near Hetherwood Kirklees B C being the land comprised in the Land Section of Register Unit No. CL.475 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 P R Nuttall 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 Bradford on 24 January 1978.

Mr D R Brumfitt of Messrs. Ridley and Hall appeared for Mr Nuttall. He produced a conveyance dated 14 January 1972 whereby the land in question was conveyed to Mr and Mrs Nuttall by Mr Dan Lunn and a Deed of Grant dated 12 October 1970 whereby Dan Lunn granted rights for a catch water pipe on the land to the Huddersfield Corporation. Dan Lunn caused an Entry to be made in the Rights Section of the Registers which is now final and by a letter written, in January 1978 he admitted that such registration was made in error.

On this evidence I am satisfied that Mr P R Nuttall is the owner of the land, and I shall accordingly direct the West Yorkshire County Council, as registration authority to register Mr P R Nuttall 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.

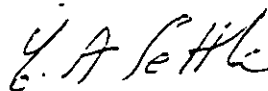
Dated this

12<sup>th</sup>

day of

April

1978



Commons Commissioner