



COMMONS REGISTRATION ACT 1965

DECISION (UNCLAIMED LAND)

Reference No. 270/U/50

In the Matter of Part of Keighley Moor, West Yorkshire

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DECISION

This reference relates to the question of the ownership of part of Keighley Moor, West Yorkshire, being the land comprised in the Land Section of Register Unit No. CL600 in the Register of Common Land maintained by the Bradford Metropolitan District Council (other than the two pieces of land mentioned below) 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 Yorkshire Water Services Ltd (YWS) claimed to be the freehold owner of the land in question: no other person has made such a claim.

I held a hearing for the purpose of inquiring into the question of ownership of the land at Keighley on 14 November 2001.

The hearing was attended by Mr Dwyer on behalf of the Council as registration authority and Mr Stephens, solicitor, representing the claimant YWS.

The two pieces of the Moor (referred to above) with which I am not concerned are:

- (a) an almost square area (part of which is the site of a reservoir) shown hatched black on the register plan of this unit and excluded from registration. This area is comprised in a conveyance dated 20 February 1939 and made between The Chatsworth Estates Company (1) the Duke of Devonshire (2) and the Borough of Keighley (3); and
- (b) a very small area comprising a spring collection chamber situated near Smalllden Top, title to which is registered at HM Land Registry under Title No. WYK628295.

The evidence produced by Mr Stephens, both at the hearing and subsequently, traces title as follows:

1. By conveyance dated 8 October 1954 and made between the Duke of Buccleuch and the Duchess of Devonshire (1) the Duke of Devonshire (2) and the Borough of Keighley (3) the land was conveyed to the Borough in fee simple for the purposes of their water undertaking;

2. On 1 April 1959 the Borough's water undertaking was transferred to the Craven Water Board;
3. In 1974 the Yorkshire Water Authority succeeded to the undertaking of the Craven Water Board;
4. On 1<sup>st</sup> September 1989 (the transfer date for the purposes of section 4 of the Water Act 1989) the land was transferred to YWS by virtue of article 4 of a transfer scheme made by the Yorkshire Water Authority.

The foregoing appears from a photostat of the 1954 Conveyance and an Epitome of Title certified by the solicitor to YWS and signed by him on 21 November 2001.

On the above evidence, which is not contradicted by any other evidence, I am satisfied that YWS is the owner of the land and shall accordingly direct the Council, as registration authority, to register that company as owner under section 8(2) of the 1965 Act.

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 11<sup>th</sup> day of January 2002



Chief Commons Commissioner