

COMMONS REGISTRATION ACT 1965



Reference No. 270/D/7-8

In the Matter of Robert Town Common, Liversedge,  
West Yorkshire

DECISION

This dispute relates to the registration at Entry No. 1 in the Land and Ownership sections of Register Unit No. CL 219 in the Register of Common Land maintained by the former West Riding County Council and is occasioned by Objection Nos. 456 and 459 made by Bass Ltd and noted in the Register on 1 January 1971.

I held a hearing for the purpose of inquiring into the dispute at Bradford on 12 February 1981. The hearing was attended by Mr Vause who appeared for Kirklees Metropolitan Council as successor authority to Spenborough Borough Council, the applicant in the Land Section and the Ownership Section and Miss H D Kay of Messrs Redfearns, Solicitors of Heckmondwite who appeared for Mr W M Boothroyd.

The Council had notified that Commons Commissioner before the hearing that it accepted the validity of the objections by Bass Limited in the Land and Ownership Sections and agreed that the land shown edged red on the plan attached to Objection No. 456 should be excluded from registration in the Land Section.

Mr Boothroyd is the registered proprietor with title absolute under title no. WYK 168615 of no. 54 Common Side Robert Town, Liversedge which he had purchased in May 1979. His vendor was the personal representative of a Miss Alice Hirst whose parents had become tenants of the property in 1900. Opposite no. 54 on the other side of the street is a plot of land within the boundary of the register unit and which Mr Boothroyd had acquired as part of the property known as no. 54 Common Side.

*replied* Mr Harry Hirst of Church Farm, Robert Town, said that he was 72 and the personal representative of his late sister Alice. Their father had married in 1900 and had *marked* no. 54 and the plot across the street from Tom Walker. Both the witness and his sister had been born and brought up in the house which his sister had purchased from the Walker family as a sitting tenant in 1958. The plot had a wall round it on three sides and was used as a garden and for hanging out of laundry.

His sister had lived in the house all her life. Mr Hirst produced a letter from the Borough Engineer written to his sister on 20 September 1972 acknowledging her ownership of part of the area of the register unit which had been taken for a footpath.

For the applicant Mr Ronald Henry Howdin said that he had been employed by the former Spenborough Borough Council from 1965-1974 first a Assistant Parks Superintendent and from 1968 as Superintendent and was now employed by the applicant Council as Director of Leisure Services. In 1967 the Borough Council had ~~received~~ *received* complaints about the Common and from then on the Council and its successor kept the Common tidy and cut the grass with a flail mower attached to the side of a tractor.



For these reasons I confirm both registrations with the following modifications namely the exclusion from the Register Unit of (a) the land shown edged red on the plan attached to Objection No. 456 and such part of the said unit as is included in the land of which Mr Boothroyd is the Registered Owner.

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

2nd

day of

April

1981

*George Herkett*

Commons Commissioner