



COMMONS REGISTRATION ACT 1965

Reference No. 45/U/77
45/U/78

In the Matters of (1) Beal Marsh and
(2) Beal Old Gravel Pit, both in Beal,
Osgoldcross R.D., Yorkshire West Riding

DECISION

This reference relates to the question of the ownership of lands known as (1) Beal Marsh and (2) Beal Old Gravel Pit, both in Beal, Osgoldcross Rural District being the lands comprised in the Land Section of Register Unit (1) No.CL.199 and (2) No.CL.197 in the Register of Common Land maintained by the 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 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 hearings for the purpose of inquiring into the question of the ownership of the lands at Wakefield on 5 February 1974. At the hearings Beal Parish Council was represented by Mr. J. F. Palmer, their chairman.

Mr. Palmer who has lived in the Village for the last 25 years, been a member of the Parish Council for the last 15 years and chairman for the last 5 years gave evidence.

Beal Marsh (CL.199: according to the Register containing 0.7 acres) is low lying land in the main part of the Village, very near the River Aire (just below Beal Bridge) and bounded on the south (for the most part) by Marsh Lane. When Mr. Palmer first remembers Beal Marsh (about 1948), it was used annually for a small amusement fair; a roundabout and other amusements powered by a small mobile electric generator, coconut shys and so forth; for the privilege of coming, the proprietors paid rent to Mr. Nicholson the then clerk of the Parish Council; after a few years the proprietors stopped coming, probably because there was not enough support. About five years ago the Yorkshire Ouse River Authority wishing to improve the River bank, asked for and obtained from the Parish Council permission to use Beal Marsh for the storage of their equipment; they grassed over the land when they had finished. The Parish Council are treated by the inhabitants as owners of Beal Marsh e.g. if wagons are driven over it complaints are received by the Parish Council. Beal Marsh now is grass land, although in parts is a bit of a mess, caused by vehicles taking a short cut across it; it has always been used as a place where children can play; but although an amenity, it has not since the amusement fair ceased been used for anything else.

The Old Gravel Pit (CL.197: according to the Register containing 0.860 acres) is a good way out of the Village on the south east. It is currently being used as a rubbish tip by the Rural District Council and is getting full.



-2-

On the evidence outlined above, I conclude that Beal Marsh (CL.199) belongs to the Parish in the popular sense of that expression and is now vested in the Parish Council in accordance with the statutes and legal principles discussed in my decision dated 9 February 1973, re Goosepool, reference 11/U/16. I am therefore satisfied that the Parish Council is the owner, and I shall accordingly direct the West Riding County Council, as registration authority, to register Beal Parish Council as the owner under section 8(2) of the Act of 1965.

On the evidence outlined above I am not satisfied that any person is the owner of Beal Old Gravel Pit (CL.197) 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 15th day of February 1974.
a. a. Baden Fuller

Commons Commissioner