



In the Matter of Market Place Green, Hovingham,
North Yorkshire.

DECISION

This reference relates to the question of the ownership of land known as Market Place Green, Hovingham, being the land comprised in the Land Section of Register Unit No. CL 116 in the Register of Common Land maintained by the former North 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 Sir Marcus Worsley 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 Malton on 13 October 1977.

At the hearing Sir Marcus Worsley was represented by Mr P J Lawrence, solicitor.

By virtue of a deed of discharge made 11 March 1960 between (1) Sir William Arlington Worsley, bt and Edward Marcus Worsley (2) William Marcus John Worsley, Sir Marcus Worsley became the freehold owner of property described in the will of Sir William Cayley Worsley, bt, dated 11 March 1896 as the "freehold manor and rectory of Hovingham" and the "freehold messuages farms lands tenements woodlands and hereditaments situate and being in the parish or township of Hovingham or elsewhere in the County of York and known as the Hovingham Estate".

Mr Lawrence was unable to put in evidence any plan purporting to show the extent of the land comprised in the manor of Hovingham. The land the subject of the reference is situate in the centre of the village of Hovingham and has the physical appearance of waste land of a manor. Mr J A W Leech, Sir Marcus Worsley's land agent, who has known Hovingham for many years, gave evidence that this land has always been considered to be part of the Hovingham Estate.

On this uncontradicted evidence and in the absence of any conflicting claim I find myself able to say that I am satisfied that Sir Marcus Worsley is the owner of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register him 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 31st day of October 1977

Chief Commons Commissioner