



COMMONS REGISTRATION ACT 1965

Reference No. 4 5/U/317

In the Matter of Mean Moss at Helwith
 Bridge, Horton-in-Ribblesdale

DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. CL 14 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 George Perfect claimed ownership on behalf of the gait holders of the land in question ("the Unit land") 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 Skipton on 7 October 1980.

Mr Perfect attended the hearing in person: he is one of nine registered holders of grazing rights (sheep gaits), and represented two others, Mr W Sutcliffe and Mr R W Morphet. Another right holder, Mr D Campbell, was represented by a Mr T Reeves but did not claim ownership. Mrs H Sergeant, the Clerk to Horton-in-Ribblesdale Parish Council also appeared, but the Council was not claiming ownership.

Mr Perfect who is the Secretary of the gait holders said that the Unit land, which is a common of, according to the Register, some 26 acres, is not grazed by the gait holders themselves, but is let to adjoining farmers for grazing. The rents, less any expenditure for fencing and repairs to gates or the surface, is divided among the gait holders proportionately to the number of their gaits.

This evidence, in my opinion, was not sufficient to establish ownership by the gait holders - the letting and other activities seem to me to be referable to their rights as gait holders, which are undisputed, and not necessarily to ownership of the soil.

On this evidence I am not satisfied that any person is the owner of the land, and it will therefore remain 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

20 October

1980

L. J. Morris Smith
 Commons Commissioner