



In the Matter of Parts of the River Ure,
Aysgarth and Askripps, North Yorkshire.

DECISION

This reference relates to the question of the ownership of two pieces of land partially covered with water and forming part of the River Ure, Aysgarth (Formerly Thornton Rust) and Askripps being the land comprised in the Land Section of Register Unit No. CL/244 in the Register of Common Land maintained by the former North Riding of Yorkshire 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 the Aysgarth Parish Council 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 Richmond on 20 July 1977.

At the hearing the Parish Council was represented by Mr J C Scott, solicitor, and Mr E R D Johnson appeared for Mr T Andrew.

Mr Scott informed me that he had no evidence as to the ownership of any of the land in question.

The two pieces of land comprised in the Register Unit are some distance apart. The land adjoining the easternmost piece was conveyed to Mr Andrew by a conveyance made 6 April 1953 between (1) John Taylor (2) Thomas Wilson Dent (3) Thomas Andrew. There being nothing to rebut the presumption that a conveyance of land adjoining a river includes the bed of the river as far as the centre, on this evidence I am satisfied that Mr Andrew is the owner of the easternmost piece of 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.

In the absence of any evidence I am not satisfied that any person is the owner of the westernmost piece of 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 this 9th day of August 1977

Chief Commons Commissioner

