



COMMONS REGISTRATION ACT 1965

Reference No.45/D/11

In the Matter of Roundhill, Threshfield,
Yorkshire (West Riding) (No.3).

DECISION

This dispute relates to the registration at Entry No.1 in the Ownership Section of Register Unit No.C.L.94 in the Register of Common Land maintained by the West Riding of Yorkshire County Council and is occasioned by Objection No.153 made by Mr. Charles Kitching and noted in the Register on 16th November 1970.

I held a hearing for the purpose of inquiring into the dispute at Skipton on 20th June 1973. The hearing was attended by Mr. R.S. Harland, a member of the Threshfield Parish Council, which applied for the registration, and by Mr. Colin Reeder, solicitor on behalf of Mr. Kitching.

The provisional registration in the Ownership Section is in the name of the Threshfield Parish Council. Mr. Harland did not, however, adduce any evidence to support the claim of the Parish Council to the ownership of the land in question. Indeed, he asserted that the owner is Sir Martin Wilson. Mr. Kitching, on the other hand, claimed that he is the owner.

My only jurisdiction in this dispute is to determine whether the provisional registration of ownership by the Parish Council is well-founded. It will be open to Sir Martin Wilson and Mr. Kitching to pursue the matter hereafter, since in the absence of any registration of ownership, the registration authority will have to refer the question of the ownership of the land under section 8 of the Commons Registration Act 1965.

For these reasons I refuse to confirm the registration the subject of this dispute.

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 10th day of September 1973

Chief Commons Commissioner