



In the Matter of Victoria Jubilee Pump, Dacre,
North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as Victoria Jubilee Pump, Dacre Banks, Dacre being the land comprised in the Land Section of Register Unit No. CL 390 in the Register of Common Land maintained by the former West 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 no person claimed to be the freehold owner of the land in question and no one 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 Harrogate on 10 May 1977.

At the hearing the Dacre Parish Council was represented by Mr J Love, one of its members.

Mr Love informed me that the land in question had been presented to the parish in 1887 by the then lord of the manor, but that no conveyance can now be found. However, an electric pump has been placed in the well and this has been maintained by the Parish Council since 1955. This, in my view, would be sufficient to constitute possession of the land on which to base a possessory title were it not for the provisions of s.124 of the Public Health Act 1936, by which all public pumps and other works used for the gratuitous supply of water to the inhabitants of any part of the district of a local authority are vested in the authority. The local authority for the purposes of the Act of 1936 is now the Harrogate Borough Council, and in my view nothing that the Parish Council has done has had the effect of ousting the statutory title.

For these reasons I am satisfied that the Harrogate Borough Council is the owner of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register the Borough Council 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

30th

day of

May

1977

Chief Commons Commissioner