



In the Matter of Hop Pole Car Park Ollerton  
in the County of Nottinghamshire

DECISION

This reference relates to the question of the ownership of the above mentioned land being the land comprised in the Land Section of Register Unit No. CL. 62 and CL.59 in the Register of Common Land maintained by the Nottinghamshire 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 James Clifford Hilton claimed to be the freehold owner of the land in question.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Nottingham on 1 November 1984, 26 February and 4 ~~January~~ <sup>June</sup> 1985.

Mr Maher represented the Registration Authority, Mr J Lilley, Chairman represented Ollerton Parish Council and Mr D C Aird of Blackhurst, Parker and Yates, Solicitors of Blackpool represented Mr Hilton.

Mr Hilton's claim to ownership was based on a copy of a conveyance made on 20 August 1940 between The Right Honourable George Halifax Baron Savile (1) The Right Honourable Kenneth Fitzgerald Baron Kinnarid and George Hogarth (2) Sir Albert Bell (3) The Bradford Property Trust Limited (4) and Henry Talbot de Vere Clifton (5) whereby for the consideration therein mentioned the parties of the first four parts conveyed to the party of the fifth part (inter alia).

A bundle of evidence submitted on behalf of the Ollerton Parish Council contained a copy of a Notice of Final Disposal of a Disputed Registration signed by Mr Commissioner Baden Fuller on 10 May 1977 and sent to the Parish Council. The decision referred to was dated 7 February 1977 and the dispute was whether or not the Car Park was common land. The Registration had been made by the Parish Council and the objection was made by Saml. Smith Old Brewery (Tadcaster) Limited which claimed ownership of the Car Park by virtue of a conveyance dated 29 December 1938 from the same four parties as were vendors in the conveyance to Mr Clifton made nearly two years later. A copy of a plan referred to as Plan No. 2 in the 1938 conveyance attached to the Notice of Final Disposal.

I accordingly wrote to the Solicitors acting for Mr Clifton acquainting them of those facts and indicating that, if true, they were fatal to their clients' claim. I have since received a letter from those solilcitors withdrawing their clients claim to ownership. The name of the Company was changed to Samuel Smith Old Brewery (Tadcaster) in 1982.



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On this evidence I am satisfied that Samuel Smith Old Brewery (Tadcaster) Limited is the owner of the land, I shall accordingly direct the Nottinghamshire County Council, as registration authority, to register that company 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 12<sup>th</sup> day of December 1985

*George Harker*

COMMONS COMMISSIONER