



## COMMONS REGISTRATION ACT 1965

Reference No. 45/U/104

In the Matter of Stone Green, Maltby U.D.,  
Yorkshire West Riding

DECISION

This reference relates to the question of the ownership of land known as Stone Green, Maltby Urban District being the land comprised in the Land Section of Register Unit No. VG.46 in the Register of Town or Village Greens maintained by the 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 in a letter dated 1 March 1973 Mr. E. C. Faulkner claimed ownership of the land on behalf of Mrs. B. G. Faulkner and in a letter dated 18 June 1973 Marsh & Son Solicitors claimed ownership on behalf of Mr. E. C. Faulkner and Mr. G. P. Burton as executors of Mrs. E. M. Copley deceased. No other person claimed to be the freehold owner of the land in question or 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 Wakefield on 6 February 1974. At the hearing Mr. E. C. Faulkner, Mr. G. P. Burton and Mrs B. G. Faulkner were represented by Mr. G. P. Burton legal executive with Marsh & Son, Solicitors of Rotherham, Maltby Urban District Council were represented by Mr. R. E. Kettle solicitor of E. J. Twigg Solicitors of Rotherham and West Riding County Council were represented by Mr. F. Pickersgill solicitor employed by them.

There was some discussion as to the extent and identity of the land comprised in this Register Unit. Pursuant to an application made 14 December 1967, a piece of land containing 2.65 acres was on 19 April 1968 entered in the Register; this entry was on 16 December 1971 amended, being then replaced by an entry as follows:- "The piece of land containing 1.697 acres or thereabouts known as Stone Green ... as marked with a green verge line inside the boundary on ... the register map ..." My copy of the register map shows edged green a piece of land in part hatched black and in part unhatched. Mr. Pickersgill said that the part hatched black was the part removed from the Register as a result of the 1971 amendment and that the register map as it now is clearly shows that the only part of the land edged green on my copy of the map which is now comprised in this Register Unit is the part which on my copy is unhatched. It was agreed that I should proceed on this basis; accordingly in this decision, unless the context otherwise requires, the words "the land" does not include the said part hatched black.

Mr. Burton said that on this basis those he represented did not wish to claim ownership of any part of the land, although they did claim to have a right of way over the track marked on the register map by a double dotted lines, the end of which is east of the final "n" of the words "Stone Green"; an application had been made for a note of this claim to be entered in the Register. No evidence of ownership was offered at the hearing.



Having regard to the definition of "owner" and "ownership" in section 22(2) of the 1965 Act, I am not concerned at this hearing to express any opinion as to the right of way so claimed. In the absence of any evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the West Riding County Council, as registration authority, to register Maltby Urban District Council as the owner of the land under section 8(3) 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 13<sup>th</sup> day of February 1974.

a. a. Baden Fuller

Commons Commissioner