



COMMONS REGISTRATION ACT 1965

Reference No 45/U/359

In the Matter of Wood Hey, Hebden Royd,  
Calderdale Borough, North Yorkshire

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DECISION

This reference relates to the question of the ownership of land known as Wood Hey, Hebden Royd, Calderdale Borough being the land comprised in the Land Section of Register Unit No CL. 549 in the Register of Common Land maintained by the North Yorkshire County Council (formerly 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 Mr R H Jones in a letter dated 7 August 1973 claimed that the land in question belonged to three farms (1) Wood Top, (2) The Haven, and (3) Laneside, that he owned (1) and (2), and that having agreed to purchase (3), he would on completion of legal requirements be sole owner of the land; and his solicitors in a letter dated 20 September 1973 said that he now considered that he is the owner of the entirety and certainly owned two undivided third shares. No other person claimed to be the freehold owner of the land 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 Halifax on 6 April 1976. Mr R H Jones attended the hearing in person.

The land ("the Unit Land") comprised in this Register Unit according to the Register, has an area of 8.926 hectares (22.04 acres), and is about half a mile south of Hebden Bridge. There are two Entries in the Rights Section made on the application of Mr S Rowntree of grazing rights attached to Haven Farm and to Wood Top Farm.

Mr Jones in the course of his evidence produced two conveyances in favour of himself, one dated 1 December 1970 and made by Mr S Rowntree, and the other dated 30 June 1975 and made by Holme End Dyeing Company Limited ("HEDCL"). By the 1970 conveyance, six farms were conveyed, the fifthly being Haven Farm together with the right of pasture in the wood ground called Wood Hey granted by a conveyance dated 1 December 1928 except so far as released by a deed dated 1970 and made between the vendor (Mr Rowntree) and HEDCL, and sixthly Wood Top Farm; also by the said ~~1970~~ conveyance there was conveyed all the vendor's right, title and interest at law or equity in Wood Hey.

By the 1975 conveyance, there was conveyed Moorside Farm and part of Laneside Farm; also by the ~~said~~ conveyance there was conveyed "the one third or other the share of the Vendor...in Wood Hey".



References in the 1965 Act to ownership are to the ownership of the legal estate in fee simple, see section 22. Since the Law of Property Act 1925, the legal estate in land held beneficially in undivided shares must be vested in trustees. Although it is possible under the 1970 and 1975 conveyances that Mr Jones has now become beneficially entitled to all the shares (I am not on the conveyances produced satisfied about this), I am unable to form any conclusion as to the present ownership of the legal estate.

The considerations applicable to the ownership of land held or formerly held in undivided shares are technical, and with a view to enabling Mr Jones to take legal advice I told him I would adjourn the proceedings (so that he could get further evidence) if he made an application within 30 days. I have received no such application, and accordingly I give my decision which is; ~~that~~ I am not satisfied that any person is the owner of the Unit Land and it will therefore be 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 13<sup>th</sup> day of May ————— 1976

a. a. Baden Fuller

Commons Commissioner