

Commons Registration Act 1965



Reference No. 270/U/35

In the Matter of Rishworth Moor,
Ripponden

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL.427 in the Register of Common Land maintained by the West Yorkshire Metropolitan 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 Yorkshire Water Authority claimed to be the freehold owner of the land in question ("The Unit Land"); no other person 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 Wakefield on 9th May 1985.

At the hearing the Water Authority was represented by Mr R J Simpson, Solicitor.

The area of the Unit Land as stated in the Register is some 1599 hectares (3948 acres). By a conveyance dated 26 May 1921 between Lord Savile and his Trustees and Wakefield Corporation there was conveyed to the Corporation lands in Rishworth, Barkisland and Scammonden of a total area of some 4650 acres, shown on the plan annexed thereto. The area so shown includes the Unit Land.

The Water Authority is the successor authority to the Corporation and on the evidence I am satisfied that it is the owner of the Unit Land. Mr Simpson informed me that a part of the Unit Land is now crossed by the M62 motorway and produced certified copies of two Agreements dated respectively 1st August 1963 and 21st September 1965 between Wakefield and District Water Board (a predecessor authority) and the Minister of Transport which provided for the acquisition of specified areas by the Minister for the construction of the motorway. The Agreements provided for the execution by the Water Board of any requisite documents of transfer upon the request of the Minister or other Highway Authority. There was no evidence that any such documents had yet been executed so that it appears that the legal ownership of the areas in question still subsists in the Water Authority. If transfers of the areas are in due course executed presumably the ownership of the transferees will be registered under the Land Registration Acts, and it may be possible to exclude them (as highway) from continuing to be registered as Common Land.

As matters stand, however, I shall direct the West Yorkshire Metropolitan County Council, as registration authority, to register Yorkshire Water Authority as the owner of the unit land under section 8(2) of the Act of 1965.



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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 11th day of July 1985

L. J. Morris Smith
Commons Commissioner