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The Old Reading Room,  
Selside,  
Horton in Ribblesdale,  
North Yorkshire,  
BD24 0HZ

15 June 1996

Councillor Wilfred Fenten,  
The Shaws,  
Selside,  
North Yorkshire.

Dear Wilf,

With reference to the question of the village green and the relevant statutes, a further interpretation has occurred to me.

There are two main relevant provisions the earlier one dated circa 1970, providing for registration on a historical basis, and a later provision upon which we now rely for recent usage.

In both cases, I suspect that the prescription period of twenty years usage is applicable. However I wonder if we have not been overstrict with ourselves by sole reliance upon a period between 1974 and 1994 (if these dates are correct).

For instance, assuming that with the first provision for historical use, the latest relevant period was a period of twenty years prior to the registration date. Thus that period would be 1954 to 1974. A claim or based upon evidence of 19.9 years would therefore fail.

I would however venture to suggest that this period of use and the supporting evidence of use, (just insufficient to satisfy registration) is not irrelevant to our current position.

Thus whilst in our current argument we have focused upon a period of twenty years just expired, I would suggest that we could also rely upon an overall period of this last twenty years plus the above earlier period which itself was just insufficient for initial registration. Consequently, if this is the case, we could claim rights based on any twenty years usage, within a longer period, itself only just short of forty years.

Thus if we concede that initial registration was omitted, either through negligence, or more importantly through insufficient evidence of use; this evidence is no longer irrelevant to our current claim. If you agree with this submission, I would suggest that it i) would extend our argument over fresh ground and ii) gives us further grounds for testing the overall argument in court.

John