



In the Matter of Cliff stretching to High Water Mark,
Saltburn and Marske-by-the-Sea, Cleveland.

DECISION

This reference relates to the question of the ownership of land forming cliff stretching to high water mark, Saltburn and Marske-by-the-Sea being the land comprised in the Land Section of Register Unit No. VG 187 in the Register of Town or Village Greens maintained by the former North Riding of Yorkshire 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 the Langbaugh Borough Council claimed to be the freehold owner of the land in question and the Saltburn and Marske-by-the-Sea Parish Council claimed to be the owner of part of it. 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 Whitby on 25 May 1977.

At the hearing the Borough Council was represented by Mr J W D Fernie, solicitor, and the Saltburn and Marske-by-the-Sea Parish Council was represented by one of its members, Mr J B Wright.

Part of the land the subject of the reference was the subject of a conveyance made 5 October 1954 between (1) Lawrence John Lumley, Marquess of Zetland (2) The Royal Bank of Scotland (3) The Urban District Council of Saltburn and Marske-by-the-Sea on trust for the perpetual use by the public as an open space for exercise and recreation under the Open Spaces Act 1905. This being a charitable trust, the land passed to the Parish Council as successor authority of the former Urban District Council by virtue of section 210 of the Local Government Act 1972.

The remainder of the land was conveyed to the former Urban District Council by a conveyance made 5 March 1954 between the same parties as the conveyance of 5 October 1954. This conveyance was not subject to any charitable trust and the land has therefore passed to the Borough Council as successor authority to the former Urban District Council by virtue of the Act of 1972.

On this evidence I am satisfied that the Parish Council and the Borough Council are the owners of the respective parts of the land conveyed to the former Urban District Council by the conveyances of 5 October 1954 and 5 March 1954, and I shall accordingly direct the Cleveland County Council, as registration authority, to register the Parish Council and the Borough Council as the owners of those parts 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

1st

day of

July

1977

Chief Commons Commissioner