



In the Matter of Tidkinhow Moor, Langbaurgh, Cleveland.

DECISION

This dispute relates to the registration at Entry No. 1 in the Rights section of Register Unit No. CL 213 in the Register of Common Land maintained by the former North Riding of Yorkshire County Council and is occasioned by Objection No. 0300 made by Mr W J Bulmer and noted in the Register on 29 September 1970.

I held a hearing for the purpose of inquiring into the dispute at Whitby on 25 May 1977. The hearing was attended by Mr P R Hunter, solicitor, on behalf of Mr G Towers, Ms E Towers, and Mr J. A. Towers, the applicants for the registration, and by the Objector.

By conveyance made 26 July 1954 between (1) Margaret Winsome Ringrose-Wharton (2) Edward Mailey and Louise Mailey there was conveyed with certain land a right of moorstray for 160 ewes with their lambs and the customary number of rams over the land comprised in the Register Unit. This right was assigned to the applicants for the registration by a conveyance made 4 November 1966 between (1) E. Mailey and L. Mailey (2) George Towers, Eleanor Towers, and John Anton Towers.

Mr Bulmer did not question the existence of the right of moorstray referred to in these conveyances nor did he object to the fixing of the number of rams at 4, but he objected to the registration on the ground that the exclusive right of moorstray is not a right of common as defined in s.22(1) of the Commons Registration Act 1965. He said that his reason for objecting was that he considered that the land ought not to be registered as common land. However, there was no objection to the registration in the Land section of the Register Unit, so that registration has become final. In my view it is clear that the right referred to in the conveyances is a right of common as defined in the Act of 1965 and has been correctly registered as a right to graze 160 ewes with their lambs and 4 rams.

For these reasons I confirm the registration.

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 5th day of July 1977


CHIEF COMMONS COMMISSIONER