



COMMONS REGISTRATION ACT 1965

Reference No. 268/D/264

In the Matter of The Beacon, Cleasby,
North Yorkshire

DECISION

This dispute relates to the registration at Entry No 1 in the Land section of Register Unit No. CL.254 in the Register of Common Land maintained by the former North Riding of Yorkshire County Council and is occasioned by Objection No. 07 made by Mr and Mrs J M Kirkup and noted in the Register on 9 January 1969.

I held a hearing for the purpose of inquiring into the dispute at Richmond on 10 May 1978. The hearing was attended by Mr K Rowley, the applicant for the registration, and by Mr R W Waggett, solicitor, on behalf of the objectors.

There is no entry in the Rights Section of the Register Unit, so that the land in question can only fall within the definition of "common land" in section 22 (1) of the Commons Registration Act 1965 if it is waste land of a manor.

The land comprised in the Register Unit is a small triangle of land, which is open to a lane on one side and has growing on it a few trees.

At the time of the hearing the case of Box Parish Council v Lacey had been heard in the Court of Appeal, but judgment had been reserved. In view of the uncertainty of the law at that stage, I heard a considerable amount of evidence regarding the history of this land. In the light of the decision of the Court of Appeal, which was given on 24 May 1978, it does not appear to be necessary for me to review all this evidence.

The land in question can fairly be described as waste land and it would appear not unlikely that it was at one time waste land of the manor of Cleasby. However, the lordship of the manor was offered for sale in 1912. The particulars of sale contained a map showing the land offered for sale with the lordship, but the map did not indicate that this land was included. The present lord of the manor is Mr Kirkup, but he is not the owner of this land. It therefore follows that, if this land was, as seems likely, formerly waste land of the manor, it has lost that status by having been severed from the lordship of the manor.



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For these reasons I refuse to 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

21st

DAY OF

June

1978

Chief Commons Commissioner