



In the Matter of A Piece of Land,
Faceby, North Yorkshire.

DECISION

This dispute relates to the registration at Entry No. 1 in the Land section of Register Unit No. CL 272 in the Register of Common Land maintained by the former North Riding of Yorkshire County Council and is occasioned by Objection No. 079 made by Miss Ethel Clark and noted in the Register on 8 May 1970.

I held a hearing for the purpose of inquiring into the dispute at Northallerton on 8 March 1977. The hearing was attended by Miss Annie Burns, the applicant for the registration, and I gave leave to Mr D L Butterworth, a clerk with Messrs Drabble & Co, solicitors, to appear for Miss Clark.

There has been no application for the registration of rights of common in this Register Unit, so the registration the subject of this dispute could only be supported on the ground that the land is waste land of a manor not subject to rights of common.

Miss Burns appeared to be under a complete misapprehension as to the meaning of "common land" in the Commons Registration Act 1965, seeming to think that it was land to be enjoyed by the inhabitants of the locality. This land is clearly not waste land of a manor. It was conveyed to Miss Clark's father on 11 February 1943, and the conveyance did not include the lordship of the manor.

For these reasons I refuse to confirm the registration.

Mr Butterworth applied for costs should the registration not be confirmed. I do not normally award costs against an unsuccessful applicant for a land registration, since such a person has usually been acting in what he conceived to be the public interest. Miss Burns, however, made it quite clear that her object in applying for this registration was to secure access to the main road across this land from some land which she owned to the west of it. She was, of course, entirely, mistaken in thinking that the registration would achieve that end, but she has by her action put Miss Clark to unnecessary expense. I shall therefore order her to pay Miss Clark's costs on County Court Scale 2.

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 17th day of May 1977

Chief Commons Commissioner