



COMMONS REGISTRATION ACT 1965

Reference Nos.268/D/116-118

In the Matter of Bilsdale West Moor,
Bilsdale Midcable and Bilsdale West Side,
North Yorkshire (No.2)

DECISION

These disputes relate to the registration at Entry Nos.1 to 4 in the Rights Section of Register Unit No.CL 168 in the Register of Common Land maintained by the former North Riding County Council and are respectively occasioned by Objection No.0236 made by the British Broadcasting Corporation and noted in the Register on 30th October 1970, Objection No.0275 made by the Hon.C.A.Savile, Viscountess Pollington, and the Countess of Mexborough and noted in the Register on 23rd November 1970, and Objection No.0284 made by Mr A.R.Darling and noted in the Register on 4th March 1971.

I held a hearing for the purpose of inquiring into the disputes at Malton on 13th February 1975. The hearing was attended by Mr J.N.L.Burn, solicitor, on behalf of Mr Savile, Lady Pollington, and Lady Mexborough, and for Mr R.Carbutt, Messrs R.and A.Featherstone, and Mr R.S.Pearson (as successor in title to Mrs E.J.Crow), applicants for the registration of rights of common of pasture. The other persons entitled to be heard did not appear and were not represented. However, before the hearing the British Broadcasting Corporation and Mr Darling informed the Clerk of the Commons Commissioners by letter that they would not be pursuing their respective Objections.

For the purposes of these proceedings the land comprised in the Register Unit can be regarded as divided into two parts, the northern part lying in the parish of Bilsdale Midcable and the southern part (known locally as Wetherhouse Moor) lying in the parish of Bilsdale West Side.

Mr Burn informed me that it had been agreed by the parties whom he represented that Wetherhouse Moor was not common land, but that there were rights of common of pasture exercisable by his clients over the northern part of the land comprised in the Register Unit.

In these circumstances I have confirmed the registration in the Land Section of the Register Unit with the following modification, namely the exclusion of the land in the parish of Bilsdale West Side. It therefore only remains for me to confirm the registrations the subject of these disputes.

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 6th day of March 1975

Chief Commons Commissioner