



COMMONS REGISTRATION ACT 1965

Reference No.45/U/137

In the Matter of Blazefield Quarry,
Blazefield, High and Low Bishopside,
North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as Blazefield Quarry, Blazefield, High and Low Bishopside, being the land comprised in the Land Section of Register Unit No.CL 351 in the Register of Common Land maintained by the former West 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 no person claimed to be the freehold owner of the land in question and no one 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 Harrogate on 6th May 1975.

At the hearing the High and Low Bishopside Parish Council was represented by Mr R. Rowe, one of its members. Mr C.P.Robinson, whose right of grazing sheep and cattle is registered in the Rights Section of the Register Unit, was present, but he did not contest the claim to the ownership of the land in question by the Parish Council.

The land comprised in the Register Unit consists of the major part of the land numbered 174 on the map referred to in the High and Low Bishopside Moor Inclosure Award dated 2nd December 1864 made under the Annual Inclosure Act 1858.

By the Award the land (exclusive of the grass and herbage thereon, which were awarded to the persons for the time being interested in certain allotments made by the Award) was allotted to the Surveyors of Highways and directed to be appropriated and used as a quarry for the common use of all the owners and occupiers of lands and tenements in the township of High and Low Bishopside for supplying stone and gravel for their own use upon their respective lands and tenements in that township and also for the repairs of the roads and ways within the township.

The land has not been used as a quarry for many years and the only use which has been made of it has been the grazing by the animals from the farm now owned by Mr Robinson.

Under section 25(1) of the Local Government Act 1894 the Rural District Council became the highway authority and the quarry was transferred to the Council by virtue of section 67 of that Act. It would have been open to the



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Rural District Council to have desired the County Council to take over the quarry under section 118(1)(b) of the Local Government Act 1929. There is, however, no evidence that this was ever done. and, in view of the fact that the quarry has long been exhausted, it is unlikely.

On this evidence I am satisfied that the Harrogate District Council, as successor to the Ripon and Pateley Bridge Rural District Council, is the owner of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register the Harrogate District Council as the owner 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 16th day of May 1975

Chief Commons Commissioner