

COMMONS REGISTRATION ACT 1965



Reference No. 268/D/405-410

In the Matter of Burn Moor, Bentham,
Craven D

DECISION

These disputes relate to the registrations in the Rights Section and at Entries No. 1 and 3 in the Ownership Section of Register Unit No. CL 136 in the Register of Common Land maintained by the North Yorkshire County Council. They are occasioned by (1) three Objections to the Rights, Nos. 489, 488 and 740 made by Burn Moor and Lythe Fell Stinholders (No. 489) and Mr R F H Cowen (Nos. 488 and 740) and noted in the Register respectively on 22 February 1971, 26 April 1971 and 11 May 1971: (2) Objection (to Ownership Entry No. 1) No. 487 made by R F H Cowen and noted in the Register on 4 January 1971. (3) the conflicting registrations at Entries Nos. 1 and 3 in the Ownership Section.

I held a hearing for the purpose of inquiring into the dispute at Skipton on 19 October 1982. The hearing was attended by Mr R M N Gillibrand, Solicitor appearing on behalf of the Stinholders Committee, and also on behalf of the applicants for registration at Entry No. 3 in the Ownership Section: Mr D M Jordan, Solicitor, appearing on behalf of the successor (in part) to the applicants for registration at Entry No. 3: the applicants for that registration (Mr and Mrs Docherty) in person: and Mr I Lewthwaite, representing the NFU.

(1) The Objection to a number of the Rights Entries had been agreed to be withdrawn. These Entries accordingly I confirm without modification: their numbers are 1, 2, 4 to 15, 17, 20 (now 54), 22, 23, 24, 27 to 30, 38 to 44, 45 (now 58), 47, 48 (now 60) and 49.

(2) Dr J A Farrer, the applicant to register Entries Nos. 31 to 37, had agreed that these rights are not exercisable over this Register Unit and accordingly I refuse to confirm their registration.

(3) The remaining Entries are those numbered 3, 16, 18, 19, 21, 25, 26 and 46 which it has been agreed should be modified by a reduction in the number of animals for which grazing rights are registered. The modifications are set out below and these Entries I confirm with the respective modifications indicated.

<u>Rights Entry No.</u>	<u>Modification in Column 4</u>
3	Substitute for existing particulars the following: "To graze 12 sheep with followers or 15 woolled sheep to a limit of 3 sheep gaits (1 sheep gait=4 sheep, 4 sheep=1 cattle, 6 sheep=1 horse) over the whole of the land comprised in this register unit".
16	Substitute for existing particulars the following: "To graze 72 sheep with followers or 90 woolled sheep to a limit of 18 sheep gaits (1 sheep gait=4 sheep, 4 sheep=1 cattle, 6 sheep=1 horse) over the whole of the land comprised in this register unit".
18	In existing particulars substitute for "200" the figure "20", for "250" the figure "25" and for "50" the figure "5".



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- 19 In existing particulars substitute for "240" the figure "24",
for "300" the figure "30" and for "60" the figure "6".
- 21 In existing particulars substitute for "480" the figure "48",
for "600" the figure "60" and for "120" the figure "12"
- 25 In existing particulars substitute for "68" the figure "52",
for "85" the figure "65" and for "17" the figure "13"
- 26 In existing particulars substitute for "68" the figure "56",
for "85" the figure "70" and for "17" the figure "14".
- 46 Substitute for existing particulars the following: "To graze
(a) 40 sheep with followers or (b) 50 woolled sheep to the
extent of 60 sheep gaits (1 sheep gait=4 sheep, 4 sheep=1 cattle,
6 sheep=1 horse) over the whole of the land comprised in this
register unit".

(4) As to the Ownership Section Entry No. 1, claiming ownership of the whole of the Unit land, was made on the application of Bridgestock Ltd. Entry No. 3 relates to the Unit land (except a very small section); as appears from a Conveyance dated 21 December 1962 to the applicants who registered that Entry. A letter had been received from the successors in title to Bridgestock Ltd, stating that they wished to withdraw any claim for ownership. In these circumstances I refuse to confirm the registration at Entry No. 1 and I confirm that at Entry No. 3.

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

19 November

1982

Commons Commission