



COMMONS REGISTRATION ACT 1965

Reference No.268/U/15

In the Matter of Burniston Freehold Quarry,
Burniston and Cloughton, North Yorkshire.

DECISION

This reference relates to the question of the ownership of land known as Burniston Freehold Quarry, Burniston and Cloughton, being the land comprised in the Land Section of Register Unit No.CL 242 in the Register of Common Land maintained by the former North Riding 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 the Duchy of Lancaster claimed to be the freehold owner of the land in question and no other person 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 Scarborough on 7th November 1974.

At the hearing the Duchy of Lancaster was represented by Miss S.Cameron, of counsel.

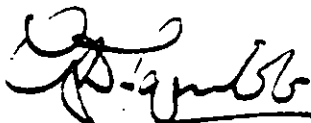
The land the subject of the reference consists of a disused quarry. A very small portion at the southern end is part of land allotted as a public stone quarry by the inclosure award made under the Scalby Inclosure Act of 1771 (11 Geo.III, c.51 (private)). The ownership of this part is not claimed by the Duchy. The remainder was included in a lease of Town Farm granted by the Duchy to Mr A.S.Crowther on 12th April 1938 and has been in hand since Mr Crowther's termination of his tenancy on 25th March 1968.

Since the Duchy has been in undisputed possession since 1938 I am satisfied that Her Majesty The Queen in right of Her Duchy of Lancaster is the owner of the major portion of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register Her Majesty in such right as the owner of that part of the land under section 3(1) of the Act of 1965.

In the absence of any evidence I am not satisfied that any person is the owner of the remaining small part of the land and it will therefore remain subject to protection under section 9 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 26th day of November 1974


 Chief Commons Commissioner