



COMMONS REGISTRATION ACT 1965

Reference No.268/U/41

In the Matter of Cock Moor,
Brompton-by-Sawdon, North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as Cock Moor, Brompton-by-Sawdon, being the land comprised in the Land Section of Register Unit No.250 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 and the Brompton-by-Sawdon Parish Council each 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, and the Brompton-by-Sawdon Parish Council by Mr C.P.Evans, its Clerk.

The land the subject of this reference is the northern portion of a much larger area, the whole of which is known as Cock Moor. The parish of Brompton was inclosed under an agreement confirmed by the Brompton Inclosure Act of 1758 (31 Geo.II,c.21 (private)) and an award made under the Act in 1760. Cock Moor was not then inclosed, though part of it (which may not have been the land the subject of the reference) was allotted to be used in common for washing sheep kept in the townships of Brompton and Sawdon.

It would appear that Cock Moor was vested in the Duchy as lord of the superior manor of Pickering before the Act of 1758 and there is nothing in the Act to divest the Duchy of the ownership.

The later history of Cock Moor is somewhat sparse, but correspondence in the Duchy Office shows that by letters dated 19th and 23rd April 1895 the former Brompton Parish Council applied to let the estate on land shown on an accompanying plan as including the land the subject of the reference. More recently by a licence made 19th April 1963 the Duchy granted the sporting rights over Cock Moor to Mr J.M.Dickinson, the tenant of Mount Pleasant Farm, Brompton. Mr Dickinson exercised these rights without interruption until he gave up the tenancy of his farm in 1973.

On this evidence I am satisfied that Her Majesty The Queen in right of Her Duchy of Lancaster is the owner 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 the land under section 8(2) of the Act of 1965.





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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

A handwritten signature in dark ink, appearing to read 'J. S. Quibb', written in a cursive style.

Chief Commons Commissioner