



COMMONS REGISTRATION ACT 1965

Reference No. 268/U/313

In the matter of Hawsker Lane,
Hawsker-cum-Stainsacre,
Scarborough Borough, North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as Hawsker Lane (exclusive of all the land on the east side of the Lane within 15 feet of the centre of the carriage way) in Hawsker-cum-Stainsacre, Scarborough Borough being the land comprised in the Land Section of Register Unit No. CL 316 in the Register of Common Land maintained by the North Yorkshire (formerly 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 Hawsker-cum-Stainsacre Local Council claimed (their Clerk's letter received 3 December 1984) ownership of the land in question. No other person claimed to be the freehold owner of the land or 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 20 February 1985. At the hearing (1) Hawsker-cum-Stainsacre Local Council were represented by Mr J P Tindale their chairman and Mr Francis Cummins one of their members; and (2) Miss Monica Lucy Ann Strickland on whose application the registration was made, was represented by Mr John Harold Harland of Wincote, Robin Hood's Bay.

Mr Harland in support of the claim of Miss Strickland to be the owner of the land in the course of his oral evidence said (in effect):- Miss Strickland is the Lady of the Manor of Whitby Laithes and the Manor of Fyling; he is and has been since about 1977 her bailiff and he had since 1948 been a juryman of the Court Leet. The Manor had come down to her from her father and before him her grandfather; she owns about 8,000 acres of Fylingdales Moor and much land in Hawsker-cum-Stainsacre.

Mr J P Tindale said (in effect):- He also is now and has been for about 15 years a member of the Court Leet. The Parish Council do not oppose Miss Strickland's claim. The land on both sides of Hawsker Lane was part of the Manor of Fylings. The land on either side of the Lane has been sold off.

On this evidence I am satisfied that Miss Strickland is the owner of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register Miss Monica Lucy Ann Strickland of Barton Mill House, Whitwell, York 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 18th — day of December — 1985

A. A. Baden Fuller

Commons Commissioner

