



COMMONS REGISTRATION ACT 1965

Reference No.268/U/6

In the Matter of Highgate Howe,  
Hawsker-cum-Stainsacre, North Yorkshire.

DECISION

This reference relates to the question of the ownership of land known as Highgate Howe, Hawsker-cum-Stainsacre, being the land comprised in the Land Section of Register Unit No.CL 86 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 Hawsker-cum-stainsacre Parish Council 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 5th November 1974.

At the hearing the Parish Council was represented by Mr James Buttery, one of its members, and Mr P.M.White, solicitor, appeared for Miss M.L.A.Strickland, the lady of the manor of Whitby Laithes.

Mr White called evidence regarding the payment of encroachment fines to the bailiff of the court leet, but on investigation it became apparent that the evidence related to land some distance to the south of the land comprised in the Register Unit. Thereupon Mr White very properly withdrew Miss Strickland's claim.

Mr Buttery, however, was but little better placed. The land in question is a long narrow strip along the side of a road, having an area of just over 3 acres. It was formerly used for grazing, but is now scrub land. From time to time caravans have been placed upon it and have been removed because they contravened bye-laws made by the former Rural District Council. The Rural District Council acted at the instigation of the Parish Council, but apart from that the only activity of the Parish Council in relation to the land has been the placing on it of a seat for the use of members of the public about 10 or 12 years ago. Mr Buttery said that the Parish Council, being in some doubt as to the ownership of the land, thought it imprudent to cause further public money to be spent on it.

On this rather tenuous evidence I am not satisfied that any person is the owner 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 29<sup>th</sup> day of November 1974

  
Chief Commons Commissioner