



COMMONS REGISTRATION ACT 1965

Reference No.268/U/12

In the Matter of Little Cliff,
Cloughton, North Yorkshire.

DECISION

This reference relates to the question of the ownership of land known as Little Cliff, Cloughton, being the land comprised in the Land Section of Register Unit No.CL 334 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 this reference consists of a long piece of cliff land between highwater mark on the east and agricultural land on the west. Of this two parts are claimed by the Duchy, one of 21.9 ac. adjoining Newlands Farm and one of 4.8 ac. adjoining Sycarham Farm.

The Duchy has no written title to the land adjoining Newlands Farm, but the records of lettings kept in the Duchy Office show that it has been let with Newlands Farm since at least as far back as 1865. The latest of these lettings was one to Mr F.A.Ventriss on 20th May 1948 and the present tenant, Mr F. Steele, holds under an agreement dated 6th July 1970.

By a conveyance made 19th December 1946 between (1) Richard Stephen Wild (2) The King's Most Excellent Majesty Sycarham Farm was conveyed to the Duchy together with (so far as the vendor had power to convey the same) the undercliff adjoining the land conveyed. The undercliff is included in the agreement dated 18th October 1951 under which the present tenant, Mr A.S.Boyes, holds the farm.

The Duchy has therefore been in undisputed receipt of the rents and profits of both the pieces of land claimed. 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 parts of the land under section 8(2) of the Act of 1965.

In the absence of any evidence I am not satisfied that any person is the



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owner of the remainder 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 November 1974

A handwritten signature in cursive script, appearing to read 'J. S. Lamb', written in black ink.

Chief Commons Commissioner