



COMMONS REGISTRATION ACT 1965

Reference No.268/U/12

In the Matter of Little Cliff.
Cloughton, North Yorkshire (No.2).

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 of Yorkshire 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 1975.

At the hearing the Duchy of Lancaster was represented by Miss S.Cameron, of counsel. I was satisfied by the evidence adduced by Miss Cameron that two portions of the land belonged to the Duchy and I gave my decision accordingly, stating that in the absence of any evidence I was not satisfied that any person was the owner of the remainder of the land and that it would therefore remain subject to protection under section 9 of the Act of 1965.

After the publication of my decision the Solicitor to the Forestry Commission applied to have the hearing reopened under regulation 21 of the Commons Commissioners Regulations 1971. I granted this application, but on the terms that the re-hearing would be restricted to the land remaining subject to protection.

I reopened the hearing at Whitby on 5th June 1975, when Mr W.D.Curnock, solicitor, appeared for the Forestry Commission.

The major part of the land the subject of the reopened hearing was the subject of a deed of gift made 15th August 1956 between (1) J.T.Dickinson (Middlesbrough) Ltd (2) The Minister of Agriculture, Fisheries and Food, the Minister acting under the power to acquire land for forestry purposes conferred on him by section 4 of the Forestry Act 1945. The land has since been used by the Forestry Commission and is now held by the Minister by virtue of para.4 of Schedule 6 to the Forestry Act 1967.

On this evidence I am satisfied that the Minister of Agriculture, Fisheries and Food is the owner of the land the subject of the deed of gift made 15th August 1956 and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register him as the owner of that land under section 8(2) of the Act of 1965.

There still remains a small part of the land comprised in the Register



-2-

Unit as to the ownership of which there is no evidence and which 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 June 1975

Chief Commons Commissioner