



In the Matter of Manorial Waste Land and Swainby Beck, Whorlton, Hambleton District

DECISION

These disputes relate to the registrations at Entry No.1 in the Land Section and Entry No.1 in the Ownership Section of Register Unit No.CL.71 in the Register of Common Land maintained by the former North Riding of Yorkshire County Council and are occasioned by Objection No.0193 made by W.H. and Margaret Bell noted in the Register on 17th September 1970 and Objection No.049 made by Clarence Simpson noted in the Register on 29th January 1970.

I held a hearing for the purpose of inquiring into the disputes at Northallerton on 7th October 1975. The hearing was attended by Mr. J. Hutchinson on behalf of Mr & Mrs Bell and by Mr. Michael Bell on behalf of the Whorlton Parish Council. Mr. Simpson did not appear.

There are no Entries in the Rights Section of the Register and there was produced a Deed of Gift dated 24th November 1967 whereby the land owned by the Parish Council was conveyed to it. The land is not subject to common rights nor is it waste of a manor and the Parish Council are content that I shall refuse to confirm the Entry No.1 in the Land Section for the reason that it is not common land as defined in Section 22 of the Commons Registration Act 1965. In these circumstances the ownership section will no longer be maintained by the County Council and the question of ownership does not arise for me to determine but the Parish Council did indicate that it abandons any claim to ownership of the land referred to in Mr Simpsons objection.

For the reason stated above I refuse to confirm the registrations.

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

17th

day of

October

1975

C A Le H

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Commons Commissioner

