



COMMONS REGISTRATION ACT 1965

Reference No.268/U/33

In the Matter of Quarry Tops or Throsley
Banks, Pickering, North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as Quarry Tops or Throsley Banks, Pickering, being the land comprised in the Land Section of Register Unit No.CL.363 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 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 Whitby on 3rd and 5th June 1975.

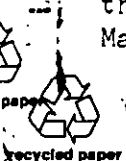
At the hearing the Duchy of Lancaster was represented by Miss Sheila Cameron, of Counsel.

The land the subject of this reference is one of several areas which were allotted by the Inclosure Award, dated 28th April 1789, made under the Pickering and Newton Inclosure Act of 1785 (25 Geo. III, C.XXvi) for the purpose of getting Stone and Marl for the use of the ancient houses to which rights of common had formerly been appurtenant, and the grass and herbage was to be let or sold by the Surveyors of Highways of the township of Pickering and the proceeds applied to the repair of certain roads.

There was no allotment of the soil to anyone, so that it would remain in the lord of the manor: See R.v.Inclosure Commissioners for England and Wales (1871), 23 L.T.778. At the time of the inclosure the lord of the manor was the King in right of his Duchy of Lancaster.

The land has long since ceased to be quarried. It is mostly rough woodland and treated as an amenity. Duchy employees under the direction of the head forester have pruned trees and have felled dangerous and dead trees. The land has never been conveyed by the Duchy, who in 1944 redeemed the tithe annuities charged on it under the Tithe Act 1936.

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 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

26th

day of

June

1975

A handwritten signature in cursive script, which appears to be "D. A. G. G. G. G. G." followed by a horizontal line underneath.

Chief Commons Commissioner

