



COMMONS REGISTRATION ACT 1965

Reference No. 268/U/52

In the Matter of The Butts and  
Land surrounding the War Memorial,  
Brompton-by-Sawdon, North Yorkshire.

DECISION

This reference relates to the question of the ownership of land known as The Butts and land surrounding the War Memorial, Brompton-by-Sawdon, being the land comprised in the Land Section of Register Unit No.VG 209 in the Register of Town or Village Greens 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 and the Brompton-by-Sawdon Parish Council each 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, and the Brompton-by-Sawdon Parish Council by Mr C.P.Evans, its Clerk.

The pieces of land the subject of the reference were included with other land in a lease made to the former Brompton Parish Council by the Duchy on 23th April 1923. It is not certain when this letting was terminated, but the land has been in hand since the current files kept by Mr R.H.B.Hammersley, the Surveyor of the Duchy's Yorkshire Estate, were started in 1954. Mr Hammersley has looked after the land since that date and from time to time the Duchy has granted easements for wires, drains and sewers through both pieces of land. By a letter dated 11th February 1969 the then Clerk of the Parish Council acknowledged the Duchy's title by asking permission to erect on the Butts a notice board recording that the first chestnut trees were planted by the Parish Council in 1897 to commemorate the Diamond Jubilee of Queen Victoria with permission of the Duchy and at the same time giving warning that anyone causing wilful damage to the trees would be liable to prosecution.

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



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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 20<sup>th</sup> day of November 1974

A handwritten signature in cursive script, appearing to read 'J. B. Smith', written in dark ink.

Chief Commons Commissioner