



COMMONS REGISTRATION ACT 1965

Reference No. 268/U/299

In the matter of The Village Green,  
Commondale, Danby, Scarborough Borough,  
North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as The Village Green, Commondale, Danby, Scarborough Borough, being the land comprised in the Land Section of Register Unit No. VG107 in the Register of Town or Village Greens maintained by the North Yorkshire (formerly 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 no person claimed to be the freehold owner of the land in question and no-one 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 20 February 1985. At the hearing Mr Henry Donald Riley who applied for the registrations (at Entry No. 1 the part south of the red line on the Register map and at Entry No. 2 the part north of the said red line) attended in person.

Mr Riley said (in effect):- He is content that Danby Parish Council shall be registered as owner under subsection (3) of section 8 of the Commons Registration Act 1965. The land is unenclosed grass, sometimes grazed by sheep. Before he applied for the registrations he went through the deeds of the Commondale Brick and Tile Company who in 1946 owned the "Brick & Pipe Works" marked on the Register map as nearby the north of the land in this Register Unit, and who owned most of the village; in them he found no mention of the land. The works have since been closed down. He could offer no evidence of ownership.

In the absence of any evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register Commondale Parish Council as the owner of the land under section 8(3) 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 18<sup>th</sup> day of December 1985

*a. a. Baden Fuller*

Commons Commissioner