



COMMONS REGISTRATION ACT 1965

Reference No.44/D/6

In the Matter of The Village Green,
Two Acre Quarry and Little Carr,
Terrington, Yorkshire (North Riding)
(No.3)

DECISION

This dispute relates to the registration at Entry No.2 in the Rights Section of Register Unit No.163 in the Register of Common Land maintained by the North Riding of Yorkshire County Council and is occasioned by Objection No.044 made by the Castle Howard Estates Ltd and noted in the Register on 17th December 1969.

I held a hearing for the purpose of inquiring into the dispute at Malton on 10th April 1973. The hearing was attended by Mr. P.J. Lawrence, solicitor, for the Objectors.

Register Unit No.163 consists of three areas of land, which appear to have nothing in common, except that they are in the same parish. The registration at Entry No.2 in the Rights Section of the Register Unit relates to a right to take stone from the land known as Two Acre Quarry and a right to take turf from the land known as Little Carr. There are no rights registered in respect of the remaining area of land in the Register Unit.

The Objection relates only to Little Carr. Mr. Lawrence informed me that the Objectors do not now contend that Little Carr is not subject to rights of common, though they cannot identify the persons who are entitled to such rights.

For the reasons given in my decision in In the Matter of The Village Green, Two Acre Quarry, and Little Carr, Terrington (No.1) 44/D/2-3, I have decided to confirm the registration in so far as it relates to Two Acre Quarry and Little Carr. Although no evidence has been adduced by Mr. and Mrs. W. Henley, who applied for the registration of the rights now under consideration, I have come to the conclusion that, in the absence of any opposition at all in respect of Two Acre Quarry and in the absence of any continued opposition in respect of Little Carr, I can properly confirm the registration in reliance upon the statutory declaration made in support of the application for the registration.

For these reasons I confirm the registration.

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 7th day of May 1973


Chief Commons Commissioner