



COMMONS REGISTRATION ACT 1965

Reference No.268/U/9

In the Matter of Beastcliff,
Stainton Dale, North Yorkshire (No.2)

DECISION

This reference relates to the question of the ownership of land known as Beastcliff, Stainton Dale, being the land comprised in the Land Section of Register Unit No.CL 231 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 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 6th November 1974.

At the hearing I was not satisfied that any person was the owner of the land and so stated in my decision dated 29th November 1974. After my decision was published solicitors acting for the Trustees of J.R.Kicklethwait deceased applied to have my decision set aside and the hearing re-opened, which application I allowed.

I re-opened the hearing at Whitby on 3rd June 1975. Mr P.M.White, solicitor, appeared on behalf of the Trustees. Mr White produced a number of title deeds relating to a part or parts of the land comprised in the Register Unit. The deeds do not form a connected series and appear to relate to two different parts of the land comprised in the Register Unit. However this may be, it seems clear that the Trustees' predecessors in title had no more than two undivided third parts or shares of and in the land. There is no evidence as to who is at present entitled to the other undivided third part or share.

In these circumstances I cannot be satisfied as to the persons in whom the legal estate is now vested and the land will therefore remain subject to protection under section 9 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

Chief Commons Commissioner