



COMMONS REGISTRATION ACT 1965

Reference No.268/U/26

In the Matter of Scallamoor Quarry,
Pickering, North Yorkshire.

DECISION

This reference relates to the question of the ownership of land known as Scallamoor Quarry, Pickering, being the land comprised in the Land Section of Register Unit No.CL 355 in the Register of Common Land 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 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 Malton on 13th February 1975.

At the hearing the Pickering Town Council was represented by Mr C.R.Richardson, its Clerk.

The land the subject of this reference was allotted by the Inclosure Award made 28th April 1789 under the Newton and Pickering Inclosure Act of 1785 (25 Geo.III,c.26 (private)) as a common marl and stone pit. By the Award the herbage was allotted to the Surveyors of Highways, but the allotment as a marl and stone pit was not made to any person. It would therefore appear that the ownership of the land remained with the lord of the manor, who at that time was the King in right of his Duchy of Lancaster: see R. v. Inclosure Commissioners for England and Wales (1871), 23 L.T.778. However, there has been no claim to ownership by the Duchy in these proceedings and I have no evidence as to what has happened since 1789. Therefore, I can only say that I am not satisfied that any person is the owner of the land, and it 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 17th day of March 1975

Chief Commons Commissioner