



In the Matter of Thoraby Moss (part), Thoraby
North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as Thoraby Moss (part), Thoraby, being the land comprised in the Land Section of Register Unit No. CL 276 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 Common 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 Richmond on 21 July 1977.

At the hearing the Thoraby Parish Meeting was represented by Mr H B Sadler, its Chairman.

The land comprised in this Register Unit adjoins that comprised in Register Unit No. CL 217. Both form part of the area known as Thoraby Moss and it was an oversight that led to their being registered separately. The ownership of the land comprised in Register Unit No. CL 217 was considered by Mr Commissioner Baden Fuller in In the Matter of Thoraby Moss (1977), Ref. No. 268/U/107 and he was satisfied that the Parish Trustees of Thoraby were the owners of that land.

Mr Sadler gave evidence that his evidence summarised in Mr Commissioner Baden Fuller's decision was equally applicable to the land the subject of this reference

On this evidence I am satisfied that the Parish Trustees of Thoraby are the owners of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register them as the owners 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 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 9th day of August 1977

Chief Commons Commissioner