



In the Matter of Wassett Fell, Newbiggin,
North Yorkshire

DECISION

This reference relates to the question of the ownership of land known as Wassett Fell, Newbiggin, being the land comprised in the Land Section of Register Unit No. CL/40 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 Richmond on 21 July 1977.

At the hearing Mr J S Huntington, solicitor, appeared for the applicants for the registrations at Entry Nos 1, 6, 7, 12, and 15 in the Rights section of the Register Unit, Mr E R D Johnson, solicitor, appeared for the applicants for the registrations at Entry Nos. 2, 3, 4, 8, 9, 10, 11, 13, 14, 16, 17, 18 and 19, and Mrs M Freeman, the applicant for the registration at Entry No. 5, appeared in person.

By the Newbiggin, Bishopdale and Burton Inclosure Award made 19 June 1816 there were appointed, set out and awarded to a number of named persons, their heirs and assigns for ever for their manorial proportions in the land the subject of the reference specified numbers of sheepgates together with the ground and soil of the land in proportion to the sheepgates.

The applicants for the registrations in the Rights section are the successors in title to the persons named in the Award. There being more than four such persons, the freehold interest in the land became vested in the Public Trustee upon the statutory trusts under para. 1(4) of Part IV of the First Schedule to the Law of Property Act 1925.

On this evidence I am satisfied that the Public Trustee is the owner of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register him as the owner 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