



COMMONS REGISTRATION ACT 1965

Reference No. 269/D/14-15

In the Matter of Ferry Moor Common,  
Brierley, Yorkshire

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DECISION

These disputes relate to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 143 in the Register of Common Land maintained by the South Yorkshire County Council and is occasioned by Objection Nos. 172 and 245 made respectively by Mr J M Bellis, Area Estates Manager of the National Coal Board and Mr A J Metcalfe, and noted respectively in the Register on 20 November 1970 and 26 November 1970.

I held a hearing for the purpose of inquiring into the disputes at Barnsley on 7 March 1979. The hearing was attended by Sir Frederick Cornfield Q.C., instructed by the National Coal Board, and Mr A. J. Metcalfe. Mr M Dudfield, Solicitor, appeared on behalf of Barnsley Borough Council, the successor to the local authority which applied for registration.

There are no rights registered, so that the qualification of the land to be registered as common land, depended on its answering the description of waste land of a manor. It appeared that, although in time past it may have been such waste land, from 1941 onwards it was cultivated during the war and since then to the present day with the consent of the commoners. It has been held since at least 1970 by Mr. Metcalfe on an agricultural Tenancy.

Mr Dudfield was not able to adduce evidence that the land at registration was waste land of a manor.

I conclude that the land did not qualify for registration as common land and shall accordingly refuse to 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 29<sup>th</sup> day of March 1979

*L. J. Morris Smith*

Commons Commissioner