



COMMONS REGISTRATION ACT 1965

Reference No. 44/D/22

In the Matter of A Piece of Land,
Farndale East, Yorkshire, (North
Riding) (No.2).

DECISION

This dispute relates to the registration at Entry No.1 in the Rights Section of Register Unit No. 169 in the Register of Common Land maintained by the North Riding of Yorkshire County Council and is occasioned by Objection No. 05 made by the late Lord Hotham and noted in the Register on 9th May 1969.

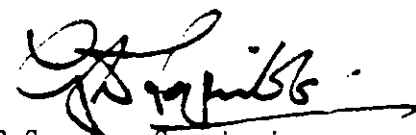
I held a hearing for the purpose of inquiring into the dispute at Malton on 11th April 1973. The hearing was attended by Mr. P. Thompson, solicitor, on behalf of Mrs. M.A. Wass, who applied for the registration, and by Mr. W.D. Pinkney, solicitor, on behalf of Mrs. J.E. Morris, who has succeeded to the interest of Lord Hotham.

For the reasons given in my decision in In the Matter of a piece of land, Farndale East (No.1) (No.44/D/21) I am not satisfied that Mrs. Wass is entitled to any of the rights which she has registered. Mr. Thompson, however, invited me to confirm the registration with the modification of adding a right to graze 20 cattle. In my view that is not a modification of the registration which I have any power to make. Assuming in Mrs. Wass's favour, as may well have been the case, that she had a right to graze 20 cattle, it seems to me that on 31st March 1970 such a right ceased to be exercisable by virtue of section 1(2)(b) of the Commons Registration Act 1965.

For these reasons I 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 7th day of May 1973


Chief Commons Commissioner