



COMMONS REGISTRATION ACT 1965

Reference No.44/D/12

In the Matter of A Piece of Land
at Old Byland, Yorkshire (North Riding)
(No.1)

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No. 189 in the Register of Common Land maintained by the North Riding of Yorkshire County Council and is occasioned by Objection No.0336 made by Mr. Donald Swift and noted in the Register on 3rd November 1970.

I held a hearing for the purpose of inquiring into the dispute at Malton on 10th April 1973. The hearing was attended by Mr. Austine Bell, the applicant for the registration, and by Mr. J.J. Pearlman, solicitor, for Mr. Swift.

The land the subject of the reference consists of two long and narrow strips of land on either side of Wethercote Lane. Mr.Bell is the owner and occupier of Wethercote Farm, which adjoins Wethercote Lane on its southern side.

Mr. Bell recently succeeded his father, who bought Wethercote Farm 27 years ago. About a year after he bought the farm Mr. Bell, senior, went into occupation and continued to farm there for the rest of his life. During the whole of this period Mr. Bell, senior, turned out cattle and sheep to graze on the land in question. This he did without seeking permission from anyone and without objection from anyone.

Mr. Pearlman informed me that, although the grounds stated in the Objection were: "That the land was not common land at the date of registration. That the rights do not exist at all", Mr. Swift does not now contend that the land is not subject to rights of common.

On this evidence I am satisfied that the land falls within the definition of "common land" in section 22(1) of the Commons Registration Act 1965 by virtue of its being subject to rights of common.

For these reasons I 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 18th day of April 1973


Chief Commons Commissioner