



In the Matter of Bonfire Hill, in the
Parishes of Skelding and Laverton,
Harrogate B

DECISION

This dispute relates to the registrations at Entries Nos. 1, 3, to 15, and 17 in the Rights section of Register Unit No. CL 416 in the Register of Common Land maintained by the North Yorkshire County Council and is occasioned by Objection No. 1656 made by Mr G S Bostock and noted in the Register on 16 May 1972.

I held a hearing for the purpose of inquiring into the dispute at Harrogate on 13 March 1981. The hearing was attended by Mr Robert Wakefield, of Counsel, appearing on behalf of Mr Bostock; and by Mr J Blakesley, Solicitor, appearing on behalf of six of the applicants to register Entries in the Rights Section - J R Newbould (No. 4), R S Lobley (Nos. 5 and 6), G Chapman (No. 9), J E Spence (No. 10), M Sidgwick, successor to F W Sidgwick (No. 11), W Chandler (No. 13). There also attended Mr J W Burrill in person (No. 14), Mr Cuncliffe Myster, Solicitor, appearing on behalf of Mr J King (No. 17) and Mr J Port, Solicitor, of Leeds City Council. There were no appearances by or on behalf of the applicants for registration at Entries Nos. 1, 3, 8 and 15 (Entries Nos. 7 and 12 have been cancelled).

The rights to which the Objection relates were registered by the respective applicants as tenants of dominant tenements. I was told that their Landlord is Leeds City Council and that arrangements have been negotiated and are due shortly for completion under which (inter alia) the applicants have agreed to release their registered rights. Mr Blakesley and Mr Cuncliffe Myster on behalf of their respective clients agreed that the rights they had registered should not be confirmed, and a letter to the same effect has been received from Kirrlys, Solicitors, on behalf of Mr J Newbould (Entry No. 8). As regards the other applicants who did not appear (Entries Nos. 1, 3 and 15) Mr Port told me that they were parties to the arrangements.

In these circumstances I refuse to confirm the registrations at Entries Nos. 1, 3, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15 and 17.

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

7 April

1981

L. J. Morris

Commons Commissioners