

COMMONS REGISTRATION ACT 1965



Reference No. 268/D/330

In the Matter of Ellershaw Wham and  
Grewelthorpe Moor, Grewelthorpe,  
Harrogate B

DECISION NO. 1

This dispute relates to the registration at Entry No. 1 in the Rights section of Register Unit No. CL 168 in the Register of Common Land maintained by the North Yorkshire County Council and is occasioned by Objection No. 469 made by the Countess of Swinton and noted in the Register on 4 January 1971.

I held a hearing for the purpose of inquiring into the dispute at Harrogate on 11 March 1981. The hearing was attended by Mr N Cunliffe-Lister, Solicitor, appearing on behalf of the Countess of Swinton; by Mr G W Procter who claimed to be successor to the applicants for registration of the Entry; and by Mrs E Bastow, Clerk to Grewelthorpe Parish Council.

The Countess of Swinton is registered as owner of the land comprised in the Register Unit ("the Unit land"). The Entry is of a right to graze over the whole of the Unit land and is stated to be attached to Ellershaw Farm. The ground of the Objection is that the right to graze is restricted to Ellershaw Wham only (part of the Unit land). Mr Cunliffe-Lister applied to put forward an additional ground of objection, namely that ~~any~~ right ceased to exist on the purchase of Ellershaw Farm by his client subsequent to the registration. Mr Procter said that if I allowed the application he would wish for an adjournment.

I have decided to allow the application which appears to me <sup>to involve a material ground of Objection,</sup> ~~material,~~ and   
and I adjourn the hearing to a place and date to be fixed.

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

15 April

1981

*L. J. Morris Smith*  
Commons Commissioner