

COMMONS REGISTRATION ACT 1965



Reference No. 268/D/403-404

In the Matter of Emsay Moor, Emsay with
Eastby, Craven D

DECISION

This dispute relates to the registrations at Entry No. 1 in the Land Section and at Entries Nos. 1, 2, 4, 8 and 10 in the Rights Section of Register Unit No. CL 307 in the Register of Common Land maintained by the North Yorkshire County Council and is occasioned by Objections Nos. 2537 and 2538 made by the Minister of Agriculture Fisheries and Food and respectively noted in the Register on 11 September 1972 and 25 October 1972.

I held a hearing for the purpose of inquiring into the dispute at Skipton on 19 October 1982. The hearing was attended by Mr S Waterfall a member of and representing Emsay with Eastby Parish Council: by Mr M Stanton, Land Agent representing Capt. W Parlour (applicant for Rights Entries Nos. 5 to 7): by Mrs Dorothy Smith (applicant for Rights Entry No. 8) in person: by Mr R J Turner, Solicitor with and representing the Objector: and by Mr J Sheard, Chartered Surveyor.

The Objections relate to a small area at the NW tip of the Unit land which the Objector alleges is not common land and has no common rights over it. The Parish Council, on whose application the land was registered, had accepted the Objection as too had all the applicants for registration of Rights except Mrs D Smith: and at the hearing Mrs Smith said, that, with some reluctance, she would accept it. In these circumstances I confirm the registrations with the modification that the area objected to be excluded from the land.

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

19 November

1982

Commons Commissioner