



COMMONS REGISTRATION ACT 1965

Reference Nos. 268/D/216
268/D/218

In the Matter of Fearby Green,
Fearby, Healey and District,
North Yorkshire (No.1).

DECISION

These disputes relate to the registration at Entry No.1 in the Land Section of Register Unit No.CL 367 in the Register of Common Land maintained by the former North Riding of Yorkshire County Council and are occasioned by the conflicting registration at Entry No.1 in the Land Section of Register Unit No.VG 169 and the conflicting registration at Entry No.1 in the Land Section of Register Unit No.VG 72 in the Register of Town or Village Greens maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Harrogate on 7th May 1975. The hearing was attended by Mr A.Nunn, the Clerk of the Fearby, Healey and District Parish Council and by Mr R.R.Buchanan, solicitor, on behalf of Mr G.A.Johnson, the applicant for the registration of a right of common attached to Elm Tree Farm, Fearby.

This registration was made in consequence of the application by Mr Johnson, and the conflicting registrations were made by the Registration Authority without application. Mr Nunn informed me that the Parish Council wished to support the conflicting registration, and Mr Buchanan stated that Mr Johnson would be content if the conflicting registrations were to be confirmed.

There being no evidence in support of this registration, I refuse to confirm it.

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 **30th** day of May 1975

Chief Commons Commissioner