



COMMONS REGISTRATION ACT 1965

Reference No.268/D/220

In the Matter of Fearby Green,
Fearby, Healey and District,
North Yorkshire (No.4).

DECISION

This dispute relates to the registration at Entry No.1 in the Rights Section of Register Unit No.CL 367 in the Register of Common Land maintained by the former North Riding of Yorkshire County Council and the deemed registrations at Entry No.1 in the Rights Section of Register Unit No.VG 72 and at Entry No.1 in the Rights Section of Register Unit No.VG 169 in the Register of Town or Village Greens maintained by the Council and is occasioned by Objection No.083 made by Mary Constance, Countess of Swinton and noted in the Register on 8th May 1970.

I held a hearing for the purpose of inquiring into the dispute at Harrogate on 7th May 1975. The hearing was attended by Mr R.R.Buchanan, solicitor, on behalf of Mr G.A.Johnson, the applicant for the registration, and by Mr A.Nunn, the Clerk of the Fearby, Healey and District Parish Council. The Objector did not appear and was not represented.

In the circumstances set out in my decisions in In the Matter of Fearby Green (No.1), Ref.Nos.268/D/216; 268/D/218, In the Matter of Fearby Green (No.2), Ref.No.268/D/217, and In the Matter of Fearby Green (No.3), Ref.No.268/D/219 I have refused to confirm the registration at Entry No.1 in the Land Section of Register Unit No.CL 367 and have confirmed the registration at Entry No.1 in the Land Section of Register Unit No.VG 72 and Entry No.1 in the Land Section of Register Unit No.VG 169. It therefore follows that in the absence of evidence in support of the Objection my proper course is to confirm the registration in the Rights Sections of Register Units No.VG 72 and VG 169.

For these reasons I refuse to confirm the registration No.CL 367.

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