



COMMONS REGISTRATION ACT 1965

Reference No 268/U/212

In the Matter of Kirkby Fleetham
Village Green and Great Fencote
Village Green, both in Kirkby
Fleetham Parish, Hambleton District,
North Yorkshire

DECISION

This reference relates to the question of the ownership of part of the parcels of land which are known as Kirkby Fleetham Village Green and Great Fencote Village Green, which are in Kirkby Fleetham Parish, Hambleton District and which are the lands comprised in the Land Section of Register Unit No VG. 50 in the Register of Town or Village Greens maintained by the North Yorkshire County Council. The said part ("the Referred Land") is the part of the said parcels of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference no person claimed to be the freehold owner of the Referred Land in question and no person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Northallerton on 21 February 1978. There was no appearance at the hearing, although I was informed that earlier in the day Kirkby Fleetham Parish Council had been represented by Mr R F Elliott and that Mr Elliot having stated that he would be satisfied with a decision in favour of the Parish Council under subsection (3) of section 8 of the 1965 Act, left the building because he was unfortunately unable to wait until this case was called on.

In the Ownership Section of this Register Unit, Edgar Lawson Limited is the registered owner of the part within the township of Great Fencote shown edged red on the Register map (a little more than half the area) and of the part within the township of Kirkby Fleetham other than that edged red on the register map (that is as owner of about nine tenths or more of the area). As to the remainder, being the Referred Land, in the absence of any evidence I am not satisfied that any person is the owner of it, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register Kirkby Fleetham Parish Council as the owner of the Referred Land under section 8(3) of the Act of 1965.

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 28th day of February 1978

A. A. Baden Fuller

Commons Commissioner

