



In the Matter of Kirkby Malzeard Moor,
Harrogate B

DECISION

These disputes relate to the registrations at Entries No. 4, 6, 7, 10 and 11 in the Rights Section of Register Unit No. CL 73 in the Register of Common Land maintained by the North Yorkshire County Council and are occasioned by Objection No. 1651 made by Mr G S Bostock and noted in the Register on 2 May 1972. The disputes relating to Entries Nos. 7, 10 and 11 were adjourned at a hearing held on 12 and 13 March 1981: those relating to Entries Nos. 4 and 6 were heard on that occasion but by an order of the High Court of Justice dated 27 May 1982 were remitted for further hearing.

I held a hearing for the purpose of inquiring into the disputes at Harrogate on 2 November 1982. At the hearing Mr B Kealy, of Counsel, appeared on behalf of the three applicants for registration and Mr R Wakefield, of Counsel, on behalf of the Objector.

Mr Kealey opened the case for his clients and referred me to copies of or extracts from documents the 17th and 18th centuries. After an adjournment the parties agreed a settlement of the disputes, the terms of which are as follows:

The registration at Entry No. 11 is to be cancelled.

The registrations at Entries Nos. 4, 6, 7 and 10 are to be confirmed with the following modifications in Column 4:

Entry No. 4 (Mr L Umpleby): Delete the numbers and words down to and including the word "hoggs" and substitute "The rights to take bracken for bedding and to graze 120 ewes and their followers".

Entry No. 6 (Mrs M H Butlin): Delete the numbers and words down to and including the word "sheep" and substitute "The rights to take bracken for bedding and to graze 40 ewes and their followers": and delete "and CL 511".

Entry No. 7 (Mr L Burrill): Delete the numbers and words down to and including the word "cattle" and substitute "The rights to take bracken for bedding and to graze 48 ewes and their followers".

Entry No. 10 (Mr L Burrill): Delete the existing particulars and substitute "The rights to take bracken for bedding and to graze 34 ewes and their followers over that part of the land comprised in this register unit as shown [edged red on the attached plan marked 'CL 73/10'] and over the whole of register unit No. CL 667".

I confirm these four registrations modified accordingly.



-2-

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

A handwritten signature in cursive script that reads "L. J. Morris Smith".

Commons Commissioner