

COMMONS REGISTRATION ACT 1965



Reference No. 268/D/334

In the Matter of Part of Kirkby Malzeard
Moor, Harrogate B

DECISION

This dispute relates to the registration at Entry No. 1 in the Rights Section of Register Unit No. CL 667 in the Register of Common Land maintained by the North Yorkshire County Council and is occasioned by Objection No. 1650 made by Mr G S Bostock and noted in the Register on 1 May 1972.

I held a hearing for the purpose of inquiring into the dispute at Harrogate on 2 November 1982. The hearing was attended by Mr C B Kealy of Counsel, appearing on behalf of the applicant for the registration: and by Mr R Wakefield, of Counsel, appearing on behalf of the Objector.

It was agreed between the parties that the registration at Entry No. 1 should be confirmed subject to modification. The modification is that in lieu of the existing particulars in Column 4 of the Entry there should be substituted "The rights to take bracken for bedding and to graze 34 ewes and their followers over the whole of the land comprised in this register unit and over that part of register unit no. CL 73 as shown [edged red on the attached plan marked 'CL 73/10']".

I confirm the registration with this modification.

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