



In the Matter of Pieces of Land, Grinton,
North Yorkshire (No 2)

DECISION

These disputes relate to the registration at Entry No 1 in the Land section of Register Unit No CL 307 in the Register of Common Land maintained by the former North Riding of Yorkshire County Council and are occasioned by Objection No 0395 made by Mrs M R Wilkinson and Mrs D Thorpe and noted in the Register on 21 January 1972 and the conflicting registration at Entry No 1 in the Land section of Register Unit No VG 135 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 Richmond on 11 May 1978. The hearing was attended by Mr E R D Johnson, solicitor, on behalf of the Grinton Parish Council, the applicant for both registrations, and by Mr J S Huntington, solicitor, on behalf of the Objectors.

Part of the land comprised in the Register Unit is the subject of entries in the Rights section. Mr Johnson informed me that the Parish Council did not wish to support the registration the subject of this reference in so far as it relates to the part of the land which is not referred to in the entries in the Rights section.

The grounds of the Objection are stated to be that an area of land (defined on the accompanying plan) was not common land at the date of the registration. The land defined on the plan is not comprised in Register Unit No CL 307, but it is comprised in Register Unit No VG 135.

The registration the subject of this reference was a second period registration while the conflicting registration was a first period registration. The Objection was made on 21 January 1972 and would therefore have been out of time if it had been made to the conflicting registration.

I heard evidence regarding the land referred to in the Objection de bene esse, but after considering the matter I have come to the conclusion that the Objection is invalid and that I have no jurisdiction to modify the registration in the Register of Town or Village Greens in order to give effect to it. It may or may not comfort the Objectors to know that, if I had jurisdiction in the matter, I should hold that the land in question had been correctly registered as part of the town or village green.

For these reasons I confirm the registration with the following modification: namely the exclusion of the land which is not referred to in the Rights section of the Register Unit.

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

7th

day of

June

1978


CHIEF COMMONS COMMISSIONER