



COMMONS REGISTRATION ACT 1965

Reference No.268/D/205

In the Matter of The Chapel Green
and Hawsker Green, High Hawsker,
Hawsker-cum-Stainsacre, North Yorkshire.

DECISION

This dispute relates to the registration at Entry No.1 in the Land section of Register Unit No.VG 62 in the Register of Town or Village Greens maintained by the former North Riding of Yorkshire County Council and is occasioned by the conflicting registration at Entry No.1 in the Land section of Register Unit No.CL 317 in the Register of Common Land maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Whitby on 4th June 1975. The hearing was attended by Mr J.P:Tindale, Chairman of the Hawsker-cum-Stainsacre Parish Council, the applicant for the registration, and by Mr P.M.White, solicitor, on behalf of M/s M.L.A.Strickland, the applicant for the conflicting registration.

The land comprised in the Register Unit consists of two separate pieces of land at some distance from each other, known respectively as The Chapel Green and Hawsker Green, High Hawsker. Mr Tindale informed me that the Parish Council did not wish to support the registration in so far as it related to Hawsker Green, High Hawsker, and Mr White stated that if there was prima facie evidence that The Chapel Green was a town or village green as defined in section 22(1) of the Commons Registration Act 1965, he would not support the conflicting registration in so far as it related to this land.

Mr Tindale thereupon gave evidence which satisfied both Mr White and me, and I accordingly confirm the registration with the following modification:- namely the exclusion of Hawsker Green, High Hawsker.

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 26th day of June 1975

Chief Commons Commissioner