



COMMONS REGISTRATION ACT 1965

Reference No 268/U/223

In the Matter of The Village Green,  
Hornby, Smeaton-with-Hornby, Hambleton  
District, North Yorkshire

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DECISION

This reference relates to the question of the ownership of part of the land which is known as The Village Green, Hornby, Smeaton-with-Hornby, Hambleton District and which is the land comprised in the Land Section of Register Unit No VG. 25 in the Register of Town or Village Greens maintained by the North Yorkshire County Council. In the Ownership Section of this Register Unit Mr Frederick Ernest Thomas New is registered as owner of part of the said land as shown edged red and marked A on the register map and this registration being undisputed, has become final. The part ("the Referred Land") to which this reference relates is the part of the said land 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 Smeaton-with-Hornby Parish Council said (letter dated 18 June 1974) that in the absence of any known title to the land they expressed an interest and claimed such title in accordance with the said Act. No other person claimed to be the freehold owner of the land in question or 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 22 February 1978. At the hearing Smeaton-with-Hornby Parish Council were represented by Mrs B M Hunt their vicechairman and Mrs W E Mann their clerk.

Mrs Hunt said (in effect):- In 1967, when the registration was made, there was no Parish Council; Mr J C Hugill, on whose application it was made, was the local member of the Northallerton Rural District Council. The present Parish Council was formed in 1971. Before then the people of the Village used to get together and cut the grass.

In the absence of any evidence I am not satisfied that any person is the owner of the Referred Land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register Smeaton-with-Hornby Parish Council as the owner of the 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 28<sup>th</sup>

day of February -

1978

*a. a. Bean*

Commons Commissioner