



In the Matter of The Village Green, Old Byland,
North Yorkshire (No. 1).

DECISION

These disputes relate to the registration at Entry No. 1 in the Land section of Register Unit No. CL 377 in the Register of Common Land maintained by the former North Riding County Council and are occasioned by Objection No. 0335 made by Mr D Swift and noted in the Register on 3 December 1970 and the conflicting registration at Entry No. 1 in the Land section of Register Unit No. VG 103 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 Malton on 11 October 1977. The hearing was attended by Mr Swift and by Mr J E Mainwaring-Taylor, solicitor, on behalf of Mr E L Bentley, the applicant for the conflicting registration.

Mr Bentley gave evidence which was not challenged by Mr Swift, and which satisfied me that this land is a town or village green and is therefore excluded from the definition of "common land" in section 22(1) of the Commons Registration Act 1965.

For this reason I refuse to confirm the registration.

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 22nd day of Nov. 1977

Chief Commons Commissioner