



COMMONS REGISTRATION ACT 1965

Reference No.268/D/217

In the Matter of Fearby Green,
Fearby, Healey and District,
North Yorkshire (No.2).

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.VG 169 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 367 in the Register of Common Land maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Harrogate on 7th May 1975. The hearing was attended by Mr A.Nunn, the Clerk of the Fearby, Healey and District Parish Council, and by Mr R.R.Buchanan, solicitor, on behalf of Mr G.A.Johnson, the applicant for the registration of a right of common attached to Elm Tree Farm, Fearby which is deemed to be entered in the Rights section of Register Unit No.VG 169.

This registration was made by the Registration Authority without application and the conflicting registration was made in consequence of Mr Johnson's application. Mr Nunn informed me that the Parish Council did not wish to support the conflicting registration, and Mr Buchanan stated that Mr Johnson would be content if this registration were to be confirmed.

There being no evidence in support of the conflicting registration, I shall regard this registration as being unopposed, and I therefore confirm this 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 30th day of May 1975

Chief Commons Commissioner