



COMMONS REGISTRATION ACT 1965

Reference Nos. 268/D/204
268/D/206

In the Matter of Land in the Parish of
Hawsker-cum-Stainsacre, North Yorkshire

DECISION

These disputes relate to the registration at Entry No.1 in the Land section of Register Unit No.CL 317 in the Register of Common Land maintained by the former North Riding of Yorkshire County Council and are occasioned by Objection No.0543 made by the County Surveyor and noted in the Register on 30th August 1972 and the conflicting 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 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 P.M.White, solicitor, on behalf of M/s M.L.A.Strickland, the applicant for the registration, Mr M.H.Lightfoot, solicitor, on behalf of the Objector, and Mr J.P.Tindale, Chairman of the Hawsker-cum-Stainsacre Parish Council, the applicant for the conflicting registration.

The conflicting registration relates to two pieces of land 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 conflicting 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 this registration in so far as it related to The Chapel Green.

Mr Tindale thereupon gave evidence which satisfied both Mr White and me that The Chapel Green should be excluded from this registration. So far as the other land comprised in the Register Unit is concerned, Mr White and Mr Lightfoot were in agreement that the land the subject of the Objection, being a strip of land partly acquired for highway improvement purposes and partly forming part of the highway should be excluded.

In these circumstances I confirm the registration with the following modifications:- namely the exclusion of the land known as The Chapel Green and the land the subject of the Objection.

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