



COMMONS REGISTRATION ACT 1965

Reference no. 44/D/47 & 48

In the Matter of Piece of land in the
Parishes of Girsby and Sockburn.
Hamblēton District.

DECISION

These disputes relate to the registrations at Entries no. 1 in the Land Section and no. 1 in the Ownership section of Register Unit no. VG.140 in the Register of Town or Village Greens maintained by the former North Riding of Yorkshire County Council and is occasioned by Objection no. 0277 made by R. H. Davidson now Mrs Hall and noted in the Register on 3 October 1970.

I held a hearing for the purpose of inquiring into the dispute at Northallerton on 8th October 1975, attended by Mr S. W. Walton of Messrs. Stanley W. Walton and Hardy on behalf of Mrs Hall and Canon L. A. Piper, Mr Alderson and Mr Turnbull on behalf of Girsby Parish Meeting. The land in question consists of roadside verges and a strip at the western end running North and South convenient as a means of access to the church. At the East end the land might be regarded as larger than a mere roadside verge. Canon Piper very frankly and understandably stated that his major interest in the registration was to secure an adequate means of approach to the church, but neither he nor Messrs. Alderson and Turnbull could give any evidence that the land or any part of it had been used for lawful sports and pastimes, it is indeed unsuitable for such uses. No evidence was led of any allotment of the land for exercise or recreation. In those circumstances the land is not a village green as defined in Section 22 of the Commons Registration Act and I must therefore refuse to confirm the Entry at no.1 in the Land Section of the Register. Since the land is not a village green it does not fall to me to decide any question as to ownership and the Ownership Section of the Register will be closed with the Land Section. Mrs Hall claims ownership of part of the land and has exercised rights of ownership over that part of the land. If need be any dispute as to ownership will have to be resolved in the courts, and for this reason I say nothing about the evidence as to ownership which was given at the hearing. For these reasons 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 20th day of October 1975

C. A. S. H. C.

Commons Commissioners