



COMMONS REGISTRATION ACT 1965

Reference No 268/11/204

In the Matter of The Green, and How Hill,
Felixkirk, Hambleton District, North
Yorkshire

DECISION

This reference relates to the question of the ownership of land (in two pieces) known as The Green and How (Howe) Hill, Felixkirk, Hambleton District being the land comprised in the Land Section of Register Unit No VG. 118 in the Register of Town or Village Greens maintained by the North Yorkshire County Council 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 Major E H Chetwynd-Stapylton as clerk of Felixkirk Parish Meeting in a letter dated 27 June 1974 said (in effect) that at their meeting on the previous day he had been instructed by a unanimous vote to stake the claim of the Parishioners of Felixkirk as represented by the Parish Meeting to the pieces of land in question on the grounds that they have been tended and kept in order by the Parishioners for as long as memory can recall and that there is also no living memory or record of any other individual or body taking any similar interest in them. 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 21 February 1978. There was no appearance at the hearing.

Since the 1974 letter was written Hillside Parish Council has been formed for the parishes of Boltby, Cowesby, Felixkirk, Kirkby Knowle; so, although I have no evidence of the tending and keeping in order mentioned in the 1974 letter, it may be that subsection (3) of section 8 of the 1965 Act will produce the result the writer wanted. However this may be, in the absence of any evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the North Yorkshire County Council, as registration authority, to register Hillside 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 28th day of February — 1978

a. a. Baden Fuller

Commons Commissioner

