



COMMONS REGISTRATION ACT 1965

Reference No 268/U/213

In the Matter of The Village  
Green, Danby Wiske, Hambleton  
District, North Yorkshire

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DECISION

This reference relates to the question of the ownership of land known as The Village Green, Danby Wiske, Hambleton District being the land comprised in the Land Section of Register Unit No VG. 101 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 the Clerk of Danby Wiske Parish Council in a letter dated 11 April 1974 said (in effect) that the Council considered they had a claim to ownership, because although there were no deeds to the land, the Council had paid for Green cutting and keeping the Green tidy. 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 22 February 1978. There was no appearance at the hearing, although the Clerk to the Parish Council in a letter dated 5 January 1978 said (in effect) that it would be most inconvenient for a representative to be present and amplified in some respects his 1974 letter.

In the absence of any evidence of ownership, I am by subsection (3) of section 8 of the 1965 Act required to direct the Parish Council to be registered as owners; so no useful purpose would be served by my adjourning these proceedings to a date on which the Parish Council could give evidence of what they have done to the Green with the possible result that I would, being satisfied that they have always been or at least are now the owners, in accordance with subsection (2) of the section direct them to be registered as owners. The letters written by the Clerk to the office of the Commons Commissioners unsupported by anything said at the hearing on behalf of the Parish Council are not evidence upon which I can conclude that they are owners. So 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 Danby Wiske 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 28<sup>th</sup> day of February —

1978  
A. A. Bailey Fuller  
Commons Commissioner