



COMMONS REGISTRATION ACT 1965

Reference No. 44/D/37

In the Matter of The Village Green,
Haxby, Yorkshire (North Riding).

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No. 6 in the Register of Town or Village Greens maintained by the North Riding of Yorkshire County Council and is occasioned by Objection No. 0325 made by Mrs. Irene Downie Lynn and noted in the Register on 6th November 1970.

I held a hearing for the purpose of inquiring into the dispute at Malton on 11th April 1973. The hearing was attended by Mr. M.H. Dryland, solicitor, on behalf of the Haxby Parish Council, which applied for the registration. Mrs. Lynn did not appear and was not represented.

The grounds of objection were stated to be that a portion of the land the subject of the reference may be required in future for access to certain land owned by Mrs. Lynn. Before the hearing Messrs. Atha, Denison, Suddards & Co. solicitors for Sawdon and Simpson Ltd, the present owners of Mrs. Lynn's land, wrote to the Clerk of the Commons Commissioners stating that the objection was "withdrawn".

Mr. J.A. Nottingham, the Chairman of the Parish Council, produced a conveyance dated 10th October 1946, whereby Mrs. Bertha Swift, the lady of the manor of Haxby, conveyed the land the subject of this reference, therein described as part of the waste of the manor, to the Parish Council to be held for the purposes of a village green for the parishioners of Haxby. Mr. Nottingham said that the land had in fact been used for recreation and for the playing of games for many years. On this evidence I am satisfied that the inhabitants of the locality have indulged in lawful sports and pastimes on this land as of right for more than the twenty years required to satisfy the definition of "town or village green" in section 22(1) of the Commons Registration Act 1965.

For these reasons I 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 1st day of May 1973


Chief Commons Commissioners