



COMMONS REGISTRATION ACT 1965

Reference No.37/U/33

In the Matter of Danehill Common (part  
at Little Bridge Cottage), Danehill, East  
Sussex.

DECISION

This reference relates to the question of the ownership of land known as Danehill Common (part at Little Bridge Cottage), Danehill, being the land comprised in the Land Section of Register Unit No.C.L.45 in the Register of Common Land maintained by the East Sussex 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 no person claimed to be the freehold owner of the land in question, but Mrs. P.W. Jackson claimed 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 Lewes on 30th November 1972.

At the hearing Mr. Hubert Richard Henley appeared and claimed to be the owner of a small area of land lying in front of Little Bridge Cottage, of which he is the owner.

Before making the reference the Registration Authority applied to the Land Registry for an official search of the index map. The official certificate of result of search showed that two portions of the land in the Register Unit were registered, one of them being freehold under Title No. SX 7429 and coloured yellow on the plan annexed to the certificate. Mr. Hanley, however, produced the Land Certificate for Title No.SX 7429, which shows that he is the registered owner not only of the land coloured yellow on the plan annexed to the official certificate of search, but also of a small area of land included in the reference.

Since under section 8(1) of the Act of 1965 it is not possible to include in a reference land which is registered under the Land Registration Acts 1925 and 1936, I must treat the reference as a nullity, ~~in so far as it includes the small area which is registered under Title No. SX 7429.~~

~~So far as the remainder of the land included in the reference is concerned there was no evidence as to who owned it. In the absence of any evidence I am not satisfied that any person is the owner of the land and it will therefore be subject to protection under section 9 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 12<sup>th</sup> day of December 1972

Directed under Reg. 33 of the Commons  
Commissioners Regulations 1971

11/1/73

  
Chief Commons Commissioner