



COMMONS REGISTRATION ACT 1965

Reference No.37/U/9

In the Matter of Land at Chelwood
Gate, Danehill, East Sussex.

DECISION

This reference relates to the question of the ownership of land known as Land at Chelwood Gate, Danehill, being the land comprised in the Land Section of Register Unit No.V.G.16 in the Register of Town or Village Greens 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 the Charity Commissioners 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 28th November 1972.

At the hearing Mr. J. Niebor, solicitor, appeared for the Danehill Parish Council. Mr. Niebor put in an affidavit by Mr. Horace Chuter, the Vice-Chairman of the Parish Council. It appears from this affidavit and the exhibits therein referred to that part of the land in question was allotted and awarded to the Churchwardens and Overseers of the Poor of the parish of Fletching by an Inclosure Award dated 29th December 1864. By virtue of sections 6(c)(iii) and 67 of the Local Government Act 1894 the land in question was vested in the Fletching Parish Council. By an Order of the East Sussex and West Sussex County Councils dated 3rd November 1896 a part of the parish of Fletching, including the whole of the land the subject of this reference, became part of the new parish of Danehill and therefore became vested in the Danehill Parish Council.

Mr. Niebor was not able to adduce any evidence as to the ownership of the remaining small portion of the land the subject of this reference. I could therefore direct the County Council to register the Danehill Parish Council as the owner of the awarded land under section 8(2) of the Act of 1965 and as the owner of the remainder under section 8(3) of that Act. This, however, seems to me to be an inconvenient way of dealing with the matter, since it would entail introducing a new map at this late stage in the proceedings. I shall therefore treat the Register Unit as a whole and say that I am not satisfied that any person is the owner of the land as a whole, and I shall accordingly direct the East Sussex County Council, as registration authority, to register the Danehill 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 6th day of December 1972


Chief Commons Commissioner