



COMMONS REGISTRATION ACT 1965

Reference No 37/U/54

In the Matter of the Nye, Nye Lane Waste
and East End Lane Waste, Ditchling,
Chailey R.D., East Sussex

DECISION

This reference relates to the question of the ownership of land known as the Nye, Nye Lane Waste and East End Lane Waste, Ditchling, Chailey Rural District being the land comprised in the Land Section of Register Unit No CL.43 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 Dr T H Christie claimed to be the owner of the part of the land in question (a portion about 50 yds in length in its most southerly part) and Mr Ivor Grantham in a letter dated 6 November 1972 said he might be able to assist in connection with the land. 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 ownership of the land at Lewes on 7 March 1973. The hearing was attended by Dr Thomas Hildred Christie ("the Claimant") in person. Mr Grantham did not attend but on the following day apologising, he told me why he was unable to attend and that he could only have taken an interest but could not have made any claim.

The Claimant in the course of his evidence produced (i) a conveyance dated 28 March 1967 by which Captain H N and Mrs P Clogstoun-Willmott conveyed to the Claimant the land and the dwelling house thereon known as Wick Place as shown on the plan annexed and (ii) an abstract dated 1967 of the title of Captain & Mrs Clogstoun-Willmott to Wick Place.

The Unit Land is a long and for the most part a very narrow strip of land running from Underhill Lane on the south to and beyond Lewes Road on the north. The Claimant said:- He had since the 1967 conveyance lived at Wick Place. He claimed to be the owner of the part of the Unit Land that was coloured brown on the plan annexed to the 1967 conveyance; this part was a bridle way in part covered with hard core wide enough for a car to go along.

The abstract appeared to have been examined by Crawford & Co Solicitors of Hove, Sussex, (the Claimant told me that they acted for him in the purchase). The first abstracted conveyance was dated 6 August 1937 and by it the Most Hon. H G R 3rd Marquis of Abergavenny and his trustees conveyed to Mr P H B Buckland a piece of land forming part of Wick Farm containing 4 acres 1 rood 3 perches as delineated on the plan annexed and thereon coloured red. The second abstracted conveyance was dated 23 November 1944 and by it Mr P H B Buckland conveyed to Captain & Mrs H N Clogstoun-Willmott two pieces of land, the first being the same as that conveyed by the 1937 conveyance. The land conveyed by the 1937 conveyance and the 1944 conveyance included the whole of the part of the Unit Land claimed by the Claimant and a small additional piece on the north. The land conveyed by the 1967 conveyance included within the land edged in red on the plan annexed thereto the whole of that part of the Unit Land now claimed by the Claimant.



On the above evidence I am satisfied that the Claimant is the owner of that part of the Unit Land which he now claims and I shall accordingly direct the East Sussex County Council as registration authority to register Dr Thomas Hildred Christie of Wick Place, Underhill Lane, Ditchling under section 8(2) of the Act of 1965 as the owner of so much of the Unit Land as forms part of the piece of land delineated on the plan annexed to my direction and thereon edged red. The said plan will be a copy of that annexed to the 1967 conveyance (taken from the copy of that conveyance handed to me during the hearing by the Claimant).

At the hearing I had no evidence as to the ownership of any ^{other} part of the Unit Land; accordingly I am not satisfied that any person is the owner of such part 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

27

day of

March

1973

A. A. Baden Fuller

Commons Commissioner