



In the Matter of Butt Lane and Skelton Broad  
Lane, Kilpin, Humberside

DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. CL 79 in the Register of Common Land maintained by the Humberside 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 Church Commissioners for England claimed to be the freehold owners of the land in question and no other person 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 Brigg on 24 October 1979.

At the hearing Mr J V Taylor, Solicitor, appeared on behalf of the Church Commissioners. Evidence was given by Mr Nigel Nicholson of Smiths Gore, Chartered Surveyors, who have for many years been the Commissioners' managing agents in the district. He stated that the land in question came to the Commissioners from the Bishop of Ripon in 1857 though it is not possible to identify it in the relevant Order in Council.

The land is a strip some two miles long with a maximum width of some 100 yards; it has in itself no agricultural use, but is of supporting use to adjoining lands and is probably waste land of the manor. The Manorial Rules of 1923, which were produced, show that the Commissioners were Lords of the Manor of Howden, and in an estate plan of the same year the land is shown in the parish of Skelton, which is within the Manor of Howden. By an Indenture dated 20 March 1884 the Commissioners granted sporting and shooting rights over the land to Philip Saltmarsh an adjoining owner for the term of 10 years at a rent and the land has been let by the Commissioners for the last 100 years at a nominal rent. An extract from the tenant's rent card was produced showing payment of rent during the period 1960 to 1979.

On this evidence I am satisfied that the Church Commissioners are the owners of the land, and I shall accordingly direct the Humberside County Council, as registration authority, to register them as the owners of the land under section 8(2) 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

12 November

1979

*H. J. Morris Smith*

Commons Commissioner