



COMMONS REGISTRATION ACT 1965

Reference No. 24/U/9

In the Matter of The Parish Pit,
Hibaldstow, Lincolnshire (Parts
of Lindsey)

DECISION

This reference relates to the question of the ownership of land known as The Parish Pit, Hibaldstow, being the land comprised in the Land Section of Register Unit No. C.L.6 in the Register of Common Land maintained by the Lindsey 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 Glanford Brigg Rural District Council claimed to be the freehold owner of the land in question. 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 Lincoln on 3rd May 1972.

By the Inclosure Award made under the Act 36 Geo.III, c.46 (private) the land in question in this reference was allotted to the surveyor of highways for the parish of Hibaldstow as a quarry for road material. The powers and duties of the surveyor of highways were transferred to the Rural District Council by section 25(1) of the Local Government Act 1894 and the property held by the surveyor for the purpose of his powers and duties passed to and vested in the Council by virtue of section 67 of that Act. By section 30 of the Local Government Act 1929 the Lindsey County Council became the highway authority for the parish, but they were not desired by the Rural District Council to take over the Parish Pit under section 118(1)(b) of that Act.

There was some years ago a dispute between the Rural District Council and the Hibaldstow Parish Council as to the ownership of the Parish Pit, but at a meeting held on 12th January 1968 the Parish Council passed a resolution to abandon its claim.

I am satisfied that the Rural District Council is the owner of the land, and I shall accordingly direct the Lindsey County Council, as registration authority, to register the Rural District Council as the owner of the land.

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 30th day of May 1972


Chief Commons Commissioner