



In the Matter of Twignoor Side Road,
Messingham, 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 97 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 Mr R P Anderson and Messingham Parish Council each claimed to be the freehold owner of the land in question ("the Unit land") 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 Unit land at Brigg on 25 October 1979.

At the hearing Mr M Connell, Solicitor, appeared on behalf of Mr Anderson and Mr P A S J Axe, Solicitor, on behalf of the Parish Council. Mr Axe stated that there was no evidence in support of the Parish Council's claim.

The Unit land is a strip of roadway running in an approximately north-south line. By a Deed of Exchange dated 16 June 1972 between Robert Percival Anderson and Evelyn Madge Anderson ("the Owners")(1) and British Industrial Sand Ltd, ("the Company" (2), there was conveyed by the Company to the Owners some 99 acres of land which included a section of the Unit land ("the relevant section"). The original of this Deed was produced and also examined Abstracts of Title of the Vendors to the Company and copies of two conveyances to the Company both dated 25 March 1964.

I am satisfied on this evidence as to the title of the Owners to the relevant section. The length of the relevant section can be identified by reference to the plan on the Deed of 16 June 1972 - on my measurements it starts at approximately 220 yards north of the southern end of the Unit land and continues to a point approximately 650 yards south of the northern end.

I shall accordingly direct the Humberside County Council, as registration authority, to register Mr and Mrs Anderson as the owners of the relevant section under section 8(2) of the Act of 1965; as to the remainder of the Unit land, I am not satisfied that any person is the owner and it will remain 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 12 November 1979

L J Morris Smith
Commons Commissioner