



COMMONS REGISTRATION ACT 1965

Reference Nos 21/U/30
21/U/32

In the Matters of (1) The Sands
and (2) The Pingle, in Long Clawson,
Melton & Belvoir R.D., Leicestershire

DECISION

These references relate to the question of the ownership of lands known as (1) The Sands and (2) The Pingle, in Long Clawson, in the parish of Clawson and Harby being the lands comprised in the Land Section of Register Unit Nos. (1) V.G.62 and (2) V.G.65 respectively in the Register of Town or Village Greens maintained by the Leicester 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 Clawson and Harby Parish Council 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 Leicester on 25 July 1973. The hearing was attended by Clawson and Harby Parish Council who were represented by Mr. M. Marsh solicitor of Oldham Marsh and Sons, Solicitors of Melton Mowbray.

Mr. J. A. Jesson who is 59 years of age, has lived in the adjoining village of Hose all his life and is now and has been since 1955 clerk of the Parish Council gave evidence. After the hearing I inspected the lands.

The Sands is a rectangular piece of land bounded on the north and west by the road through the Village, on the east by a side road and on the south by the wall of a building. Apart from a bus shelter, it is level ground (railings on two sides), all tarmac; it is used as a car park.

The Pingle is another rectangular piece of land (opposite the Sands) bounded on the south by the road through the Village, on the east by the wall of the Crown and Plough public house, on the west by a track leading from the road, and on the north by other land. It is level grass land, at the northern end there are some swings for children and at the southern end a seat.

By subsection (3) of section 8 of the Act, I am required, if I am not satisfied as to the ownership, to direct the registration of the Parish Council as owners; so there is no need for me to examine in detail the evidence of the Parish Council in support of their claim of ownership.

Mr. Jesson produced three Parish Council minute books (1) 1894 - 1918 (2) 1918 - 1936 and (3) 1936 - 1951 and relied on the following entries as showing the reputed ownership of the Parish Council:- The Sands: 22 June 1896 (rents for every stall, swing boat, roundabout etc.), 27 May 1898 (money for standing of stalls at Club Feast) 29 September 1948 (the Sands as a car park for users of the Village Hall then proposed), and 18 November 1942 (repair of railing). The Pingle: 18 October 1900 (obstruction), 4 June 1901 (vehicles standing), 13 May



1903 (stalls standing).

Mr. Jesson said:- The Sands had since he had been clerk always been used as a car park for the Village Hall (on the east; the other side of the road) except on special occasions; the Parish Council had paid for the tarmac done in 1972: before then it was rough stone surface. Old people described the Club Feast as the high light of the year: people gathered on the Sands and the Pingle to visit the Amusement Fair and enjoy themselves. Such Fairs were all finished in his day, although he remembered small fairs and timber sales. In 1962 the Pingle was let by the Parish Council to Toc.H. at an annual rent of 1/- (still paid) who helped to convert it into a childrens playground.

On the evidence outlined above I am satisfied that the Parish Council are the owners of the lands and I shall accordingly direct the Leicester County Council, as registration authority, to register Clawson and Harby Parish Council as the owner of the lands 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 this

8th

day of

August

1973.

a. a. Baden Fuller

Commons Commissioner