



COMMONS REGISTRATION ACT 1965

Reference No 21/U/50

In the Matter of The Parish Gravel Pit,  
Sapcote, Blaby District, Leicestershire

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DECISION

This reference relates to the question of the ownership of land known as The Parish Gravel Pit, Sapcote, Blaby District being the land comprised in the Land Section of Register Unit No CL. 49 in the Register of Common Land maintained by the Leicestershire 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 Sapcote Parish Council provided photocopies of the relevant pages of the Sapcote Inclosure Award. 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 question of the ownership of the land at Leicester on 20 July 1976. At the hearing Sapcote Parish Council were represented by Mr J Dews, solicitor of Dews Welham & Co, Solicitors of Leicester.

Mr V W Forster who is 62 years of age, has lived in the Parish for 44 years, and has been a member of the Parish Council for 7 or 8 years and is this year their chairman, in the course of his evidence produced an extract from the Sapcote Inclosure Act 1778, and an extract from the Award dated 31 December 1778 made under such Act, and of the map annexed to it. By the Act, the Commissioners were required "to set out and allot unto and for the Surveyors of the Highways of Sapcote aforesaid, for the time being, out of the said Land in the said Parish of Sapcote, to be inclosed so much Land (not exceeding Three Acres in the Whole)...for getting Stone, Gravel, or other Materials for the Repairs from time to time, for ever, of the public Highways in the Parish of Sapcote aforesaid; which Land to be set out and allotted unto and for the said Surveyors as aforesaid, shall be, and is hereby vested in the Surveyors of the Highways of the said Parish of Sapcote for the Time being, for ever, in trust for that purpose; and as to the Herbage from time to time growing and renewing upon such Land, in Trust to let and set the same, and to apply the Rents and Profits thereof in repairing the said public Highways..." By the said Award, the Commissioners allotted unto the Surveyors of the Highways in accordance with the words above quoted from the Act, two plots each containing about 1 acre 2 roods, one of which was described as lying in Elmesthorpe Field.

Mr Forster identified the land so allotted with the land comprised in this Register Unit. Gravel used, so he said, to be obtained from it, but people now throw rubbish on it.



Under the Local Government Act 1894, land formerly vested in the Surveyors of the Highways, was vested in the Rural District Council. If, as seems likely, they did not under section 118(1)(b) of the Local Government Act 1929 desire the County Council to take over the Quarry, the ownership remained vested in them until pursuant to the Local Government Act 1972, it passed to the District Council.

For the above reasons I am satisfied that the District Council is the owner of the land, and I shall accordingly direct Leicestershire County Council as registration authority to register Blaby District Council as the owner of the land under section 8(2) of the Act of 1965. However because the District Council may not have realised that evidence as to their ownership would be given at the hearing, and it is possible that the Surveyors of the Highways or some of their successors in title may have in some way been divested of this land, I give to the District Council liberty to apply within 8 weeks from the date on which notice of this decision is sent to them, to me to set aside this decision and reopen the hearing. Any such application should in the first instance be made in writing to the Clerk of the Commons Commissioners.

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 4/15 day of August - 1976

a. a. Baden Fuller

Commons Commissioner