



In the Matter of Former Silt Pit,
Tydd St Mary, Lincolnshire.

DECISION

This dispute relates to the registration at Entry No 1 in the Land section of Register Unit No CL 60 in the Register of Common Land maintained by the former Holland County Council and is occasioned by Objection No 58 made by the former East Elloe Rural District Council and noted in the Register on 7 September 1970.

I held a hearing for the purpose of inquiring into the dispute at Spalding on 20 April 1978. The hearing was not attended by any person entitled to be heard.

The land comprised in the Register Unit consists of a narrow strip along the south-eastern side of Rectory Road. There being no registration in the Rights section of the Register Unit, the land comprised in it could only fall within the definition of "common land" in section 22(1) of the Commons Registration Act 1965 by being waste land of a manor. There is nothing in the material before me to indicate that this is the case. On the other hand, had there been no objection, the registration would have become final under section 7 of the Act. However, the registration was made by the former County Council as registration authority without application, and I cannot ignore the fact that the present County Council was represented in other cases heard during the same session, from which I infer that it was not desired to support the registration.

In these circumstances I refuse to confirm the registration.

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

5th

day of

May

1978

CHIEF COMMONS COMMISSIONER