

COMMONS REGISTRATION ACT 1965



DECISION

Reference No. 222/E/3

Land
 In the Matter of *La*, near Copping Syke
 Wildmoor, Lincolnshire, known as Parish
 Land Moorby

DECISION

This reference relates to the question of the ownership of land situate near Copping Syke Wildmoor Lincolnshire and known as Parish Land Moorby being the land comprised in the Land Section of Register Unit No. CL 32 in the Register of Common Land maintained by the Lincolnshire 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 no person claimed to be the freehold owner of the land in question. Mr George Benton 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 29 November 1978.

At the hearing Mr Moran, solicitor, appeared on behalf of Mr George Benton, and no other person appeared.

Mr Benton had been a member of the Moorby Parish Meeting for the past twenty years, but it appeared that he had no formal authority to represent the Parish Meeting or to claim ownership on its behalf. He was satisfied that the Parish Meeting would wish to claim ownership, but the convening of a meeting for the purpose would take time.

It appears from the minutes of the Parish Meeting and from oral evidence that from 1927 down to the present day the land has been let and rent received by the Parish Meeting, without question from anyone.

On this evidence I am satisfied that the Parish Meeting is the owner of the land. It appears that there is no separate parish council of Moorby and I shall accordingly direct the Lincolnshire County Council, as registration authority, to register the Parish Trustees, Moorby as the owner of the land 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 12th day of February 1979

L. J. Morris Smith
 Commons Commissioner