

In the Matter of Middlesykes Lane, Grimoldby,
Lincolnshire

DECISION

This reference relates to the question of the ownership of land known as Middlesykes Lane, Grimoldby, being the land comprised in the Land Section of Register Unit No. CL 56 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 the Lincoln Diocesan Trust and Board of Finance Ltd claimed to be the freehold owner 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 Lincoln on 9 November 1981.

At the hearing I gave leave for the Lincoln Diocesan Trust and Board of Finance Ltd to be represented by Mr D Spurrier, its land agent.

The land in question was set out and appointed by the Grimoldby Inclosure Award made 9 December 1767 under the Grimoldby Inclosure Act of 1765 (6 Geo. III, c.31 (private)) as a private way or road to be used by the proprietors and occupiers of lands and tenements in the parish of Grimoldby. Several inclosures on the south side of this road were ancient glebe land and another inclosure of that side of the road was added to the endowment of the benefice of Killingholme by a conveyance made 15 January 1969 between (1) Audrey Beryl Lacy (2) The Church Commissioners for England (3) The Revd Sidney William Goodman. This land became vested in the Lincoln Diocesan Trust and Board of Finance Ltd on 1 April 1978 by virtue of section 15(1) of the Endowments and Glebe Measure 1976.

The claim was made on the basis that the owners of land adjoining the road owned up to the centre of the road. This presumption is, however, only applicable to a public highway. There being no provision in the award regarding the ownership of the private ways or roads set out and appointed by it, the ownership must be taken to have remained with the previous owner, probably the lord of the manor. There being no evidence as to the identity of the present successor in title of the pre-inclosure owner, I am not satisfied that any person is the owner of the land, and it will therefore 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.

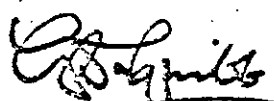
Dated this

6th

day of

April

1982


Chief Commons Commissioner