



In the Matter of Parish Land, Wood Enderby,
Lincolnshire

DECISION

This reference relates to the question of the ownership of land known as Parish Land, Wood Enderby, being the land comprised in the Land Section of Register Unit No. VG 25 in the Register of Town or Village Greens 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 and no one 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 that hearing the Wood Enderby Parish Meeting was represented by Mr M Clapham, its Clerk. On the evidence which Mr Clapham gave I was not satisfied that any person was the owner of the land and I gave a decision accordingly. After reading the decision, the Chairman of the Parish Meeting asked for the hearing to be reopened on the ground that Mr Clapham was a comparative newcomer to the village and was only able to give evidence of his personal knowledge since 1978 and that there was available evidence relating to the period before 1978. Since the East Lindsey District Council had no objection to this, I decided to re-open the hearing.

I reopened the hearing at Lincoln on 22 November 1983. On this occasion the East Lindsey District Council was represented by Mr P Haigs, Solicitor, and the Parish Meeting by Mr Clapham.

It appears from a plan of the lordship of Wood Enderby dated 1798, now in the Public Record Office, that the land in question then belonged to the Churchwardens and Overseers of Wood Enderby. In more recent times the rent for the allotments on the land has been collected by the former Horncastle Rural District Council and its successor authority, the East Lindsey District Council, and credited to the Parish Meeting. The powers and duties of the Churchwardens and Overseers in relation to the holding of allotments were transferred to the Parish Meeting by article 4(4) of the Overseers Order 1927 (S.R. & O. 1927 No. 55). The land then became vested in the Representative Body of the parish by virtue of Section 47(3) of the Local Government Act 1933 and in the Parish Trustees by virtue of Section 13 of the Local Government Act 1972.

On this evidence I am satisfied that the Parish Trustees of Wood Enderby are the owners of the land, and I shall accordingly direct the Lincolnshire County Council, as registration authority, to register them as the owners 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 29th day of November 1983
[Signature]
 Chief Commons Commissioner