



COMMONS REGISTRATION ACT 1965

Reference No.222/D/7

In the Matter of Stamford Freeman's Common,  
Stamford, Lincolnshire (NO.1)

DECISION

This dispute relates to the registration at Entry No 1 in the Land Section of Register Unit No.CL.3 in the Register of Common Land maintained by the Lincolnshire County Council and is occasioned by the conflicting registration at Entry No 1 in the Land Section of Register Unit No.VG.11 in the Register of Town or Village Greens maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Grantham on 23 June 1981. The hearing was attended by Mr A Scholes, the Chairman of the Freeman of the Borough of Stamford, the applicants for the registration in the Rights Section of the Register Unit in consequence of which the registration the subject of this dispute was made. There was no appearance on behalf of the successor authority of the former Stamford Corporation, the applicant for the conflicting registration.

The open fields, meadows, and waste lands in the former borough of Stamford were inclosed by and under the direction of the Inclosure Commissioners by virtue of S.4 of the Stamford Inclosure Act 1871 (34 Vict., c.xxxiv). The Award was made on 4th July 1872 and allotted and awarded to the Freeman's Trustees for the use of the Freeman of the then borough of Stamford certain land as directed by S.7 of the Act. This allotment was stated to be in respect of, and in substitution for, all right of depasturing cattle, sheep, horses, or swine or rights of any other description in or over the lands to be inclosed, and the land so allotted was to be held by the Trustees on trust for the Freeman of the borough.

By an order of exchange made on 1 March 1933 by the Minister of Agriculture and Fisheries a part of the land allotted and awarded to the Trustees was exchanged for another area of land which was to be held with the remainder of the original allotment subject to the statutory trust created by the Act of 1871. The land now so held is the land comprised in the Register Unit.

The award contained various provisions regarding the manner in which the Trustees were to carry out their statutory trust, but it is not necessary to consider these provisions for the purposes of this reference. The important provision for the purposes of this reference is S.10 of the Act of 1871, which provides that the Freeman's lands shall, subject to the rights of depasturing and laying the same for hay, and so that such rights or the enjoyment thereof be not interfered with, be at all times available for the purposes of exercise and recreation by the inhabitants of the borough of Stamford, and also for the purpose of drill or parade by any regiment or corps of the regular army, or of the militia, or of the volunteers, and may be used accordingly. This provision is repeated in the award, but this appears to be mere surplusage, adding nothing to the provisions of S.10 of the Act.



-2-

In my view S.10 of the Act of 1871 brings the land within the ambit of the definition of "town or village greens" in S.22 (1) of the Commons Registration Act 1965 as land which has been allotted by or under an Act for the exercise or recreation of the inhabitants of a locality and thus excludes it from the definition of "common land" in S.22 (1).

For these reasons 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

31~~st~~

day of

July

1981

Chief Commons Commissioner