



In the Matter of The Village Green, Butterwick,
Lincolnshire

DECISION

This reference relates to the question of the ownership of land known as The Village Green, Butterwick, being the land comprised in the Land Section of Register Unit No VG 20 in the Register of Town or Village Greens maintained by the former Holland 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 former County Council 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 Spalding on 20 April 1978.

At the hearing the Lincolnshire County Council was represented by Mr A G Dyer, its Senior Assistant Solicitor.

The land in question is an island site. On it there is a sign for the Five Bells Inn. In a letter dated 28 September 1973 the Clerk of the former County Council stated that the Council wished to claim ownership of the island as forming part of the highway, and that the Council had been in receipt of an annual acknowledgement for at least the past twenty years in respect of the sign. It has, however, proved to be impossible to find any evidence of the acknowledgement, so the present County Council acquiesces in the matter.

In the absence of any evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Lincolnshire County Council, as registration authority, to register the Butterwick Parish Council as the owner of the land under section 8(3) 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 13th day of May 1978

CHIEF COMMONS COMMISSIONER