



In the Matter of Unfenced Portions of Welland
Bank and Land behind it, Crowland and Deeping
St Nicholas, Lincolnshire (No 1)

DECISION

These disputes relate to the registration at Entry No 1 in the Land section of Register Unit No CL 50 in the Register of Common Land maintained by the former Holland County Council and are occasioned by Objection No 107 made by the former Deeping Fen, Spalding and Pinchbeck Internal Drainage Board and noted in the Register on 16 December 1970 and by Objection No 190 made by the former Welland and Nene River Authority and noted in the Register on 10 May 1971.

I held a hearing for the purpose of inquiring into the dispute at Spalding on 18 April 1978. The hearing was attended by Dr D G Teall, the applicant for the registration, Mr R J Moverley, of counsel, on behalf of the Anglia Water Authority, the successor of the former River Authority, and Mr C P Bennett, solicitor, on behalf of the Welland and Deepings Internal Drainage Board, the successor of the former Internal Drainage Board.

The land comprised in the Register Unit consists of the towing path along the bank on the north side of the River Welland. There is no entry in the Rights section of the Register Unit and there was no evidence that the land in question is waste land of any manor. Dr Teall said that his object in applying for the registration was to ensure public access. In this he was entirely mistaken, for registration under the Commons Registration Act 1965 does not ensure public access to land.

For these reasons I refuse to confirm the registration.

Both Mr Moverley and Mr Bennett applied for orders for costs in favour of their respective clients. Although Dr Teall stated that his object in making the registration was to ensure public access to the land (and I accept him as a truthful witness), I cannot leave out of account that his mother the late Mrs A M Teall, applied for a registration in the Ownership section of the Register Unit and that he, having succeeded her in the lordship of the manor of Crowland, sought also to support that registration, which is the subject of two further disputes. I have come to the conclusion that my proper course in these disputes is to order Dr Teall to pay half the costs of each Objector on County Court Scale 4.

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

31st

day of

July

1978

CHIEF COMMONS COMMISSIONER