



In the Matter of Unfenced Portions of Welland Bank and Land behind it, Crowland and Deeping St Nicholas, Lincolnshire (No. 2)

DECISION

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These disputes relate to the registration at Entry No. 1 in the Ownership 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. 108 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. 191 made by the former Welland and Nene River Authority and noted in the Register on 10 May 1971.

I heard 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, as successor in title of Mrs A M 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.

Having in Ref. Nos 22/D/11-12 refused to confirm the registration in the Land section of the Register Unit, I refuse to confirm this 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 in the Land section was to ensure public access to the land (and I accept him as a truthful witness), his mother the late Mrs A M Teall, applied for this registration and he, having succeeded her in the lordship of the manor of Crowland, has sought to support it. I have come to the conclusion that my proper course in these disputes is to order Dr Teall to pay 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

31<sup>st</sup>

day of

July

1978

CHIEF COMMONS COMMISSIONER