



COMMONS REGISTRATION ACT 1965

Reference No. 234/U/73

In the Matter of The Town Pits,
Lound

DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. CL 146 in the Register of Common Land maintained by the East Suffolk 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 Waveney District Council claimed to be the freehold owner of the land in question ("the Unit land") 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 Ipswich on 26 February 1980.

Mr Barnes, Solicitor, of Waveney District Council, appeared on its behalf and Suffolk County Council was represented by Mr Rands. The Unit land was allotted by an Inclosure Award to the Surveyors of the Highways of the Parish of Lound for public sand and clay pits and watering places to be used in common by the proprietors of Lands and Estates in the Parish and their tenants for the repairs of the roads in the Parish. By virtue of Sections 25 and 67 of the Local Government Act 1894 the Unit land vested in Lothingland Rural District Council. There was no evidence that the Unit land passed to the County Council under Section 118 of the Local Government Act 1929, and Mr Rands said that there was no evidence of use for highway purposes nor was the County Council claiming ownership.

Under the provisions of S.1. 1971 No. 1861 (see Article 16 and Part II of *Schedule Section 4*) the Unit land vested in Waveney District Council, which I am satisfied is the owner.

I shall accordingly direct the Suffolk County Council, as registration authority, to register Waveney District Council as the owner of the Unit 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

17 March

1980

L. J. Morris Smith

Commons Commissioner