



COMMONS REGISTRATION ACT 1965

Reference No.37/U/10

In the Matter of the Old Burial Ground,
Danehill, East Sussex.

DECISION

This reference relates to the question of the ownership of land known as The Old Burial Ground, Danehill, being the land comprised in the Land Section of Register Unit No.V.G.15 in the Register of Town or Village Greens maintained by the East Sussex 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 no person claimed to be the freehold owner of the land in question, but the Charity Commissioners 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 Lewes on 28th November 1972.

At the hearing Mr. J. Niebor, solicitor, appeared for the Danehill Parish Council. Mr. Niebor put in an affidavit by Mr. Horace Chuter, the Vice-Chairman of the Parish Council. It appears from this affidavit and the exhibits therein referred to that the land in question was the site of Holy Trinity Church consecrated on 26th October 1836 and demolished in 1894 and the burial ground surrounding it. By a conveyance made 1st April 1961 the then Incumbent of Danehill, with the approval and consent of the Danehill Parochial Church Council and under the authority of a faculty issued out of the Consistory Court of the Diocese of Chichester, conveyed the land in question to the Parish Council to be maintained as an open space within the meaning of the Open Spaces Act 1906.

For these reasons I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the East Sussex County Council, as registration authority, to register the Danehill Parish Council as the owner of the 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 this 6th day of December 1972


Chief Commons Commissioner