



COMMONS REGISTRATION ACT 1965

Reference No. 37/U/12

In the Matter of The Promenade, Peacehaven
East Sussex

DECISION

This reference relates to the question of the ownership of land known as The Promenade, Peacehaven, being the land comprised in the Land Section of Register Unit No. VG.29 in the Register of Town or Village Greens maintained by the former 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 the former Chailey Rural District 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 Lewes on 16 November 1978.

At the hearing, the Lewes District Council was represented by Mr R M Curtis of its Legal Department.

Mr Curtis produced a copy of a conveyance made 21 April 1971 between (1) The Saltdean Estate Co., Ltd (2) The Chailey Rural District Council. Although a search had failed to produce the original conveyance, Mr Curtis was able to produce what appeared to be the original of the plan referred to in the conveyance and a copy of a conveyance made 29 July 1936 under which the Saltdean Estate Co. Ltd derived its title. The parcels of the 1971 conveyance included the whole of the land the subject of the reference with the exception of a short length at its eastern extremity.

While it would have been more satisfactory if the original conveyance had been forthcoming, I can say that on this evidence I am satisfied that the Lewes District Council, as the successor authority of the former Chailey Rural District Council, is the owner of the land the subject of the 1971 conveyance, and I shall accordingly direct the East Sussex County Council, as registration authority, to register the Lewes District Council as the owner of that part of the land under section 8 (2) of the Act of 1965. In the absence of any evidence as to the ownership of the remainder of the land, I am not satisfied that any person is the owner and I shall accordingly direct the County Council to register the District Council as the owner of that part 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 5th day of December 1978


Chief Commons Commissioner