



In the Matter of Great Holland Common, Great Holland,
Essex

DECISION

This reference relates to the question of the ownership of the land known as Great Holland Common, Great Holland, being the land comprised in the Land Section of Register Unit No CL 23 in the Register of Common Land maintained by the Essex 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 Frinton and Walton Town Council claimed to be the freehold owner of the land in question and the Essex County Council 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 Colchester on 30 November 1982.

At the hearing the Town Council was represented by Mr J P McLarney, its Clerk.

On 29 February 1849 the Rector and Churchwardens of the parish of Great Holland were admitted tenants to the land the subject of the reference at the will of the Lord of the manor. After the formation of the Parish Council of Great Holland under the Local Government Act 1894 the Parish Council was in possession or in receipt of the rents and profits of the land. By an indenture made 8 October 1913 between (1) George Frederick Beaumont, Lord of the Manor of Great Holland (2) The Parish Council of Great Holland Mr Beaumont released to the Parish Council all his estate, right, title, and interest in the land.

In 1934 the parish of Great Holland became part of the urban district of Frinton and Walton. On 1 April 1974 the urban district became part of the district of Tendring. The land did not, however, pass to the Tendring District Council, since effect was given to an agreement to its transfer to the Parish Council (now the Town Council) of Frinton and Walton outside the general rules by an extension to Schedule 1 of the Local Authorities (England) (Property etc.) Order 1973 (S.I. 1973 No. 1861) in a supplementary transfer of property order laid before Parliament.

On this evidence I am satisfied that the Frinton and Walton Town Council is the owner of the land, and I shall accordingly direct the Essex County Council, as registration authority, to register the Town 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.

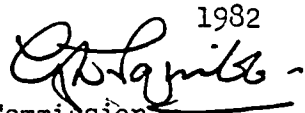
Dated this

1st Oct

day of

December

1982


 Chief Commons Commissioner