



COMMONS REGISTRATION ACT 1965

Reference No. 222/U/1

In the Matter of Old Chalk Pits, Belchford
Lincolnshire

DECISION

This reference relates to the question of the ownership of land known as Old Chalk Pits Belchford Lincolnshire being the land comprised in the Land Section of Register Unit No. CL.40 in the Register of Common Land maintained by the Lincolnshire 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 Belchford Parish 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 Lincoln on 29 November 1978.

At the hearing the Parish Council was represented by Mr S Lampard, Solicitor, and no other person appeared. By an Inclosure Award made in December 1804 land was awarded to the Surveyor of Highways in the Parish of Belchford and this, it appeared, included the Chalk Pits comprised in this Unit.

There was evidence that for many years - upwards of at least thirty - the pits had always been treated as belonging to the Parish Council, which had taken Chalk from the land over a long period, after which and starting in 1949/1950 it was let to the Horn - castle RDC as a refuse deposit. This letting continued until March 1972 the rent being paid to and received by the Parish Council. For a short period the land then lay dormant and during the last two years the owner of adjoining property has with the consent of the Parish Council taken a crop from it and kept it tidy.

On this evidence I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Lincolnshire County Council, as registration authority, to register Belchford Parish Council as the owner of the land under Section 3 (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 27th day of January 1979

L. J. Morris Smith
Commons Commissioner