



COMMONS REGISTRATION ACT 1965

Reference No. 222/U/6

In the Matter of Parish Land, Coningsby,
Lincolnshire

DECISION

This reference relates to the question of the ownership of land known as Parish Land, Coningsby, being the land comprised in the Land Section of Register Unit No. CL 35 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 no person claimed to be the freehold owner of the land in question, but the East Lindsey District Council claimed to have information as to its ownership.

Mr Commissioner Morris Smith 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 Mr P Haigh, Solicitor, appeared on behalf of the District Council, but since it appeared to the learned Commissioner that there were several persons interested in the matter who were not present or represented at the hearing, he decided to adjourn the proceedings.

I re-opened the hearing at Lincoln on 9 November 1981. There were present at the hearing, Mr Haigh on behalf of the District Council, Mr C P Hoskins, Solicitor, on behalf of Mr and Mrs M H Sivill, Mr J Pounder, Solicitor on behalf of Mr and Mrs D W Sharpe, and Mr N Nyari, Mr S T E Roddis, Mr K Oyitch, Mr G V Griffiths, Mr D T Robinson, and Mr A B Fitypatrick.

The land the subject of the reference was vested in the Coningsby Parish Council by a scheme dated 29 July 1968 made by the Charity Commissioners for England and Wales. By an order dated 15 June 1972 the Commissioners gave their consent to the sale of the land, and by a Conveyance made 21 March 1973 made between (1) The Parish Council of Coningsby (2) The Rural District Council of Horncastle the land was conveyed to the former Rural District Council. The land was then transferred to the new District Council by the Local Authorities (England) (Property etc) Order 1973 (S J 1973 No. 1861).

The District Council subsequently laid out in land in question with other adjoining land as a building estate, which has been sold off in plots. The plotting has been carried out irrespective of the old land boundaries, so that some plots are wholly and others only partly within the land the subject of the reference.

Plot No. 22 was conveyed by the District Council to Mr and Mrs Sivill on 6 May 1976.

Plot No. 24 was conveyed to Mr and Mrs Sharpe on 3 September 1980.



- 2 -

Plot No. 6 was conveyed to Mr and Mrs Nyari on 26 October 1978.

Plot No. 23 was conveyed to Mr and Mrs Roddis by a conveyance made 22 October 1981 between (1) Alan Foxcroft (2) Simon Thomas Edward Roddis and Patricia Ann Roddis his wife, the root of title being a Conveyance made 21 June 1974 between (1) East Lindsey District Council (2) Raymond John Jones and Marjorie Jones his wife.

Plot No. 7 was conveyed by the District Council to Mr and Mrs Oyitch on 22 December 1980.

Plot No. 9 was conveyed to Mr and Mrs Griffiths on 6 January 1981.

Plot No. 11 was conveyed to Mr and Mrs Robinson on 1 July 1981.

Plot No. 25 was conveyed to Mr and Mrs Fitypatrick on 22 December 1976.

Plot No. 10 was conveyed to Mr Albert Neville Horton and Mrs Pearl Horton on 20 September 1974 and by them to Mr Gordon Jaques and Mrs Barbara Jaques by a conveyance made 15 October 1980.

On this evidence I am satisfied that Mr and Mrs Sivill, Mr and Mrs Sharpe, Mr and Mrs Nyari, Mr and Mrs Roddis, Mr and Mrs Oyitch, Mr and Mrs Griffiths, Mr and Mrs Robinson, Mr and Mrs Fitypatrick, and Mr and Mrs Horton are the owners of their respective parts of the land.

I shall accordingly direct the Lincolnshire County Council, as registration authority, to register them as the owners of those parts of the land under section 8(2) of the Act of 1965.

Mr Haigh informed me that Plot No. 8 had been conveyed to Mr J A Upsall on 12 January 1981, but in the absence of any evidence that Mr Upsall is still the owner Plot No. 8 will remain subject to protection under section 9 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

1982

Chief Commons Commissioner