

COMMONS REGISTRATION ACT 1965



DECISION

Reference No. 222/U/17

In the Matter of Parish Land, East
Barkwith, Lincolnshire.

DECISION

This reference relates to the question of the ownership of land known as Parish Land, East Barkwith being the land comprised in the Land Section of Register Unit No. CL 41 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 East and West Barkwith 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 30 November 1978.

At the hearing Mr W P Roe, a member and former Chairman of East and West Barkwith Parish Council, appeared on its behalf and no one else appeared.

The land has for many years been understood to belong to the Parish Council and the entries in its Minute Book show a continuous period from at least 1953 during which the land has been let to successive tenants and rent received by the Parish Council. In my view, a possessory title by the Parish Council is established by the evidence.

On the 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 East and West Barkwith Parish Council as the owner of the land under section 9(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

12th

day of

February

1979

L. J. Morris Smith

Commons Commissioner