



In the Matter of The Parish Land, Hameringham,
Lincolnshire (No. 2)

DECISION

This reference relates to the question of the ownership of land known as The Parish Land, Hameringham, being the land comprised in the Land Section of Register Unit No. CL 28 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 and no one 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 30 November 1978. It was then stated that the Hameringham Parish Meeting might have an interest in the matter, but in the absence of any evidence the learned Commissioner was not satisfied that any person was the owner of the land and gave a decision to that effect on 4 October 1979.

At the request of Mr W W Harrison, who was elected Chairman of the Parish Meeting on 21 March 1979, I re-opened the hearing at Lincoln on 8 July 1981, when Mr Harrison appeared on behalf of the Parish Meeting.

The land the subject of the reference was allotted by the Hameringham Inclosure Award made in 1773 under the Hameringham Inclosure Act of 1772 (12 Geo. III, c.39 (private)) for getting stone, etc. for making and repairing roads and for the use of the inhabitants of the parish of Hameringham and was thereby vested in the Overseer or Overseers of and for the highways and roads for the time being, and it was provided that the Overseer or Overseers could let the herbage annually.

The land was vested in the Horncastle Rural District Council by virtue of ss. 25(1) and 67 of the Local Government Act 1894. The highway functions of the Rural District Council were transferred to the County Council of Lincoln, Parts of Lindsey by s. 30(1) of the Local Government Act 1929, but the quarry would only have been transferred to the County Council under s.113(1)(b) of that Act if the Rural District Council had so desired. It appears, however, that the Rural District Council did not so desire, since that Council continued to receive the annual rent until it was abolished by the Local Government Act 1972. The land was then transferred to the East Lindsey District Council by the Local Authorities (England) (Property etc.) Order 1973 (.S.I. 1973 No. 1861).

I am accordingly satisfied that the District Council is the owner of the land, and I shall accordingly direct the Lincolnshire County Council, as registration authority, to register the East Lindsey District 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

25~~th~~

day of

July

1981

Chief Commons Commissioner