



COMMONS REGISTRATION ACT 1965

Reference No. 234/U/157

In the Matter of Peto's Pond,
Blundeston

DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. CL 85 in the Register of Common Land maintained by the former East Suffolk 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 ("the Unit land") and no one 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 Unit land at Ipswich on 27 February 1980.

At the hearing Blundeston Parish Council was represented by its Chairman Mr P S Paul, and claimed ownership of the Unit land.

By an Inclosure Award of 1805 the Unit land was allotted to the Surveyors of Highways of Blundeston for public gravel, sand and watering places to be used by the proprietors of estates in the Parish and their tenants for their own uses and for the repairs of public and private roads in the Parish. By the combined effect of Sections 25 and 67 of the Local Government Act 1894 the Unit land became vested in the District Council - then the Lothingland Rural District Council, the successor body to which is now Waveney District Council.

In support of the claim to ownership, Mr R Knights a member of, and Mrs J E Paul the Clerk to, the Parish Council gave evidence: this was to the effect that local farmers used to water their animals at the Unit land and that in 1976-1977 the Parish Council agreed to its use for a school project. This in my view fell well short of establishing a title to ownership.

Mr Rands of the County Council, said that there was a possibility of ownership in the County Council as highway authority, but a claim to ownership was not being made on its behalf.

On the evidence I am satisfied that Waveney District Council is the owner of the Unit land. The District Council was not represented at the hearing but from what Mr Rands told me it appeared that the District Council was aware of this possible outcome of the hearing and was not concerned to resist it. It was submitted by Mr Paul that if the District Council is the owner it is as Trustee for the Parish Council: whilst this may be the position, I do not think it necessary or, in the absence of the District Council, appropriate to decide that it is so, and I shall direct the Suffolk County Council, as registration authority,



to register Waveney District 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 13 March 1980

L. J. Morris Smith

Commons Commissioner