



In the Matter of the Chalk Pit,
Barton Mills, Suffolk

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 40 in the Register of Common Land maintained by the former West 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 Forest Heath District Council claimed to be the freehold owner of the land in question ("the Unit land") 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 Bury St Edmunds on 8 November 1979.

Mrs K Letley, Solicitor, appeared on behalf of the District Council. By an Enclosure Award made in 1798 the Unit land was allotted to the Surveyor of Highways for the Parish of Little Barton otherwise Barton Mills. Under Sections 25 and 67 of the Local Government Act 1894, Mildenhall Rural District Council was successor to the highway authority and became owner of the Unit land. Under the reorganisation of local government in 1973 the District Council is the successor to Mildenhall Rural District Council.

There was no evidence of the Unit land being taken over by the County Council pursuant to Section 118 of the Local Government Act 1929, and Mr Rawds of the Suffolk County Council, who was in attendance, stated that no claim was made by the County Council. On the evidence I am satisfied that the District Council is the owner of the Unit land and I shall accordingly direct the Suffolk County Council, as registration authority, to register Forest Heath 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 26 November 1979

L J Evans Smith
Commons Commissioner