



COMMONS REGISTRATION ACT 1965

Reference No. 222/U/12

In the Matter of Chalk Pit,
Fotherby, Lincolnshire

DECISION

This reference relates to the question of the ownership of land known as Chalk Pit, Fotherby, Lincolnshire being the land comprised in the Land Section of Register Unit No. CL 9 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 Fotherby 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.

Mr W. Woodhouse a member of the Fotherby Parish Council appeared on its behalf at the hearing, and on other person appeared.

Since about 1888 the parishioners appear to have exercised rights of common over the land, and when these fell into use the Parish Council let the land to ^{work} and Rural District Council and received the rent under successive tenancy agreements covering the period 1950 to 1973. Since then the land has been maintained as a recreational common by the Parish Council.

On this 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 Fotherby Parish 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 this

12th

day of

February

1979

L. J. Morris Smith

Commons Commissioner