



COMMONS REGISTRATION ACT 1965

Reference No.24/D/12

In the Matter of Moss Hills,
Blyton, Lincolnshire (Parts of Lindsey)(No.1)

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.V.G.30 in the Register of Town or Village Greens maintained by the Lincoln, Parts of Lindsey County Council and is occasioned by the conflicting registration at Entry No.1 in the Land Section of Register Unit No.C.L.13 in the Register of Common Land maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Lincoln on 12th March 1974. The hearing was attended by Mr. G.W. Livingston, solicitor, on behalf of the Blyton Parish Council, Mr. D.W. Ashton, solicitor, on behalf of the Registration Authority, which made the registration without application, and Mr. C.H. Fairman, solicitor, on behalf of Mr. D.W. Houlston, the present owner of land formerly owned by the personal representatives of the late Col. Hugo Meynell, whose objection is noted in the Register. There was no appearance on behalf of the Loughton Parish Council, which applied for the conflicting registration.

By the Inclosure Award for the townships of Morton, Walkerith, East Stockwith, Bliton, Wharton, Pilham, and Gilby, made in 1805 under the Act 36 Geo.III, c.101, part of the land the subject of this reference was allotted to Lady Irwin and the remainder to the Surveyors of Highways of the several townships. It therefore follows that if the land falls within the definition of "town or village green" in section 22(1) of the Commons Registration Act 1965 it can only be because it is land on which the inhabitants of some locality have indulged in lawful sports and pastimes as of right for not less than twenty years.

Several residents in Blyton, one of them being aged 84, gave evidence that since the beginning of the present century the land has been used for playing games and as a picnic area by people living in the parish and people coming from nearby towns. One of the witnesses described it as being packed at week-ends in the summer.

Although the land has been used by people living in the parish, it does not appear from the evidence that there has been anything to differentiate their use from the use made of the land by the public at large. This seems to me to be a case in which anybody who wished to do so has gone onto the land with the good-natured acquiescence of the owner without any claim of right being made or acknowledged. The only suggestion of any claim of right in the evidence was made by Mr. F.P. Spacie, who was under the mistaken impression that the land had been allotted to the parish for games.

For these reasons I refuse to confirm the registration.



-2-

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 22nd day of March 1974

A handwritten signature in cursive script, appearing to read 'G. S. Quibb', with a horizontal line underneath.

Chief Commons Commissioner