

COMMONS REGISTRATION ACT 1965



Reference No. 228/U/31

In the Matter of the Pinfold Scarrington

DECISION

This reference relates to the question of the ownership of the land above mentioned being the Land comprised in the Land Section of Register Unit No. CL.49 in the Register of Common Land maintained by the Nottinghamshire 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 Scarrington 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 Nottingham on 30 October 1984.

Mrs Freda Howard (Clerk) appeared for Scarrington Parish Council. The Minute Book of the Parish Meeting had been lost in 1922. Mrs Howard produce a copy of an Agreement made on 8 June 1973 between Bingham Rural District Council (1) George Wilfred Flinders (2) and Scarrington Parish Meeting (3) whereby the R.D.C at the request of the Parish Meeting agreed to allow Mr Flinders subject to certain conditions to continue to use the Pinfold for the remainder of his life for any business carried on by him on the adjoining premises. In return Mr Flinders agreed to withdraw his Objection to the registration of the Pinfold as Common Land. The Parish Meeting paid Mr Flinders £19. 50 in respect of part maintenance work carried out by him and agreed to maintain and preserve the Pinfold in the future.

I have some doubt as to the validity of the Agreement but as the matter was not argued before me I express no view on that point. It is however in my view to be inferred from the terms of the Agreement that the Parish Meeting did not regard itself as the owner of the land, even though it undertook the obligation of maintaining the land.

On this evidence I am not satisfied that any person is the owner of the land and it will therefore remain subject to protection under section 9 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

4th

day of

December

1984

Commons Commissioner