



In the Matter of Saltings and Creeks, New Sea Bank,
Gedney Drove End, Gedney, Lincolnshire (No 2)

DECISION

These disputes relate to the registrations at Entry Nos 1 and 2 in the Rights section of Register Unit No CL 7 in the Register of Common Land maintained by the former Holland County Council and are occasioned by Objection No 6 made by the Crown Estate Commissioners and noted in the Register on 5 May 1970, Objection No 79 made by the former Welland and Nene River Authority and noted in the Register on 23 September 1970, and Objection No 59 made by the Crown Estate Commissioners and noted in the Register on 18 September 1970.

I held a hearing for the purpose of inquiring into the dispute at Spalding on 20 April 1978. The hearing was attended by Mr J C Mossop, solicitor, on behalf of himself, Mr S A Mossop, Mr H R Mossop, and Mr P J Mossop, the applicants for the registration at Entry No 1, and also on behalf of Mr C S Mossop, Mr F H Mossop, and himself, the applicants for the registration at Entry No 2, Mr S J Sher of counsel, on behalf of the Crown Estate Commissioners, Mr R J Moverley, of counsel, on behalf of the Anglia Water Authority, the successor of the former River Authority, and Mr D Cavendish Pell, a member of the Gedney Parish Council.

The parties asked me to confirm the registration in the Land section of the Register Unit with a certain modification. This I have done. The Objectors have no further interest in the registrations the subject of this dispute. I therefore confirm the registration at Entry No 1. The applicants for the registration at Entry No 2, however, have also applied for a registration in the Ownership section of the Register Unit in respect of the whole of the land comprised in the Register Unit. This is inconsistent with the registration at Entry No 2, since no one can be entitled to a right of common over his own land. There is a further difficulty in that the registration at Entry No 2, which is stated to be "To common in the unenclosed land at Gedney Drove End, quantified by custom as one sixteenth of the land" does not comply with section 15 of the Commons Registration Act 1965, which requires the number of animals to be stated in the registration. In these circumstances I refuse to confirm the registration at Entry No 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

7th

day of

June

1978

CHIEF COMMONS COMMISSIONER