



COMMONS REGISTRATION ACT 1965

Reference No. 225/U/43

In the Matter of Banningham Common,
Colby, Norfolk.

DECISION

This reference relates to the question of the ownership of land known as Banningham Common, Colby, being the land comprised in the Land Section of Register Unit No. CL 241 in the Register of Common Land maintained by the former Norfolk 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 the Colby 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 Norwich on 16 July 1976.

At the hearing the Parish Council was represented by Mr J. H. Filby, its Chairman.

The land the subject of this reference was allotted by the Inclosure Award, dated 23 April 1824, made under the Erpingham, Colby, Banningham, and Ingworth Inclosure Act of 1818 (58 Geo. III c.12 (private)) to the Surveyors of the Highways in the parish of Banningham. Banningham is now part of the civil parish of Colby.

The property of the Surveyors of Highways was transferred to the Rural District Council by sections 25(1) and 67 of the Local Government Act 1894, and the property of the Rural District Council was transferred to the North Norfolk District Council on 1 April 1974 under the provisions of the Local Government Act 1972.

In these circumstances I am satisfied that the North Norfolk District Council is the owner of the land, and I shall accordingly direct the Norfolk County Council, as registration authority, to register the 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 this 30th day of July 1976.


Chief Commons Commissioner