



COMMONS REGISTRATION ACT 1965

Reference No. 25/U/6

In the Matter of Bodham Common,
Bodham, Norfolk

DECISION

This reference relates to the question of the ownership of land known as Bodham Common, Bodham, being the land comprised in the Land Section of Register Unit No. C.L.21 in the Register of Common Land maintained by the Norfolk County Council, of which no person is registered under section 4 of the Commons Registration Act¹⁹⁶⁵ as the owner.

Following upon the public notice of this reference the Bodham 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 24th February 1972.

At the hearing Mr. R.E. Thurtle, the Chairman, appeared for the Parish Council. He drew my attention to the Inclosure Award made under the Bodham Inclosure Act of 1808 (48 Geo.III, c.lxxxiv). S.21 of the Act empowered the Commissioners to make an allotment for the poor of the parish of Bodham. This power was exercised by allotting to the lord of the manor of Bodham, the rector of Bodham, and the churchwardens and overseers of the poor of the parish of Bodham as Trustees for the Poor of the Parish two pieces of land, the first having an area of 14a.3r.7p. and the second having an area of 3a.1r.27p. Mr.Thurtle informed me that these two pieces of land together comprised the land the subject of this reference. However, on consideration of a copy of the relevant portion of the Inclosure Award, with which I was provided by Mr.Thurtle, I find that the land the subject of this reference is wholly contained in the larger of the two pieces of land allotted to the Trustees.

Mr.Thurtle informed me that the present Trustees are all the members of the Parish Council. This does not make the Parish Council the owner of the land. I therefore reject the claim made by the Parish Council.

For these reasons I am satisfied that the Trustees for the Poor of the Parish of Bodham are the owners of the land, and I shall accordingly direct the Norfolk County Council, as registration authority, to register the Trustees as the owners of the land.

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 3rd day of March 1972

Chief Commons Commissioner