



COMMONS REGISTRATION ACT 1965

Reference No.25/U/81

In the Matter of Broad Loke and
Staithe at Cargate, Upton, Blofield
and Flegg R.D., Norwich

DECISION

This reference relates to the question of the ownership of land known as Broad Loke and Staithe at Cargate, Upton, Blofield and Flegg Rural District being the land comprised in the Land Section of Register Unit No.CL.169 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 Act 1965 as the owner.

Following upon the public notice of this reference no person claimed to be the freehold owner of the land in question and no 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 13 June 1973. The hearing was attended by (i) Upton with Fishley Parish Council who were represented by their chairman Mr. A. Clare and by (2) Mr. Watts who was represented by his wife Mrs. R. R. Watts (she is a member of the Parish Council).

Mr. Clare said:- The land ("the Staithe") comprised in this Register Unit is a Staithe providing access to Upton Broad. It does not include the land locally known as Broad Loke: such land is an unkept grassroad which runs due south from the Staithe to a public roadway running east and west. The Staithe is a strip of land bounded on the east and west by a narrow strip of water and on the north by a wider strip of water being part of Upton Broad; the Staithe at its south end connects with Broad Loke. "Loke" is a dialect word meaning a track and "Broad Loke" means a track leading to the Broad.

Mr. Clare produced a type written document (14 pages) headed "Copy. UPTON INCLOSURE", apparently extracts from an Award dated 21 January 1802 and made under the Upton and Fishley Inclosure Act 1799 (39 Geo. 3, cap. vii). He drew my attention to the allotment of fifteen private roads including:- "FIFTH-ONE OTHER PRIVATE ROAD, branching out of the public road fourthly described, at the South-east corner of the fourth allotment hereby made to Jacob Day; and proceeding thence in a North direction, to the Piece of land covered with water called the Little Broad: Which private road last described is hereby set out and Appointed for the use and convenience of the inhabitants, for the time being of the said parish of Upton, who shall have occasion to pass to and from the said piece of land covered with water called the Little Broad". Mr. Clare identified the road so described with Broad Loke: he said that the Little Broad is the same as Upton Broad.

Mrs. Watts said that her husband had about 12 years ago bought some pieces of land situate on either side of the Staithe and Broad Loke. He did not claim ownership of the Staithe.



-2-

There is nothing in the extracts from the Award from which I can deduce its present ownership. I understood that the Parish Council attended with a view, not to claiming ownership themselves but to disputing any evidence which might be offered in support of a claim by some other person. No such evidence was offered.

In the absence of any evidence I am not satisfied that any person is the owner of the land and it will therefore be 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 22nd day of June 1973.

a. a. Baden Fuller

Commons Commissioner