



In the Matter of Dog Whippers, Barton Turf,  
Norfolk.

DECISION

This reference relates to the question of the ownership of land known as Dog Whippers, Barton Turf, being the land comprised in the Land Section of Register Unit No CL 359 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 Barton Turf Parochial Church Council claimed to be the freehold owner of the land in question and Mr P G J Mackey, a Higher Executive Officer at the office of the Charity Commission, 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 15 March 1978.

At the hearing the Parochial Church Council was represented by Mr N Thirkell Smith, one of the churchwardens of Barton Turf.

It appears from vol. 28 of the Further Report of the Commissioners for Inquiring Concerning Charities in the County of Norfolk in 1833 that the land the subject of the reference is held in lieu of some other land called "The Dog Whipper's Land", supposed to have been given in augmentation of the clerk's salary. By clause 2 of a Scheme approved by an order of the Board of Charity Commissioners sealed on 31 May 1894 it was provided that the land should vest in the Official Trustee of Charity Lands. By section 48(6) of the Charities Act 1960 the land became vested in the Official Custodian for Charities.

I am therefore satisfied that the Official Custodian for Charities is the owner of the land, and I shall accordingly direct the Norfolk County Council, as registration authority, to register him 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

25<sup>th</sup>

day of

April

1978

CHIEF COMMONS COMMISSIONER