



COMMONS REGISTRATION ACT 1965

Reference No. 25/D/103

In the Matter of Marsh Land,
Brancaster, Norfolk

DECISION

This dispute relates to the registration at Entries No. 1-51 in the Rights Section of Register Unit No. CL 161 in the Register of Common Land maintained by the Norfolk County Council and is occasioned by Objection No. 188B made by Walters and Hart and noted in the Register on 30 November 1970.

I held a hearing for the purpose of inquiring into the dispute at Kings Lynn on 6 December 1979. The hearing was attended by Mr P R Fitzgerald, of Walters Fladgate, Solicitors, on behalf of the National Trust, and Mr Oelrichs of Greenland Houchen and Company, Solicitors, on behalf of Brancaster Parish Council, and a number of right holders.

The Objection was that the rights in so far as they relate to the taking of soil, sand, shingle, game, wild fowl, fish and shell fish did not exist at the time of registration. Mr Fitzgerald said that the Objection was withdrawn except as regards Rights Entries No. ~~11, 16, 20, 24, 26, 30, 41, 43~~ 11, 16, 20, 24, 26, 30, 41, 43. The applicants for registration of these rights were not present or represented at the hearing, and in the absence of evidence as to their origin and existence, I think the Objection succeeds. Accordingly I confirm the registration of these Entries with the modification that in column 4 of the Rights Section (particulars of the Right of Common) the words 'soil, sand, shingle, game, wild fowl, fish, shellfish' if and whenever they occur, be deleted. The registrations at the remaining Entries in the Rights Section I confirm without modification.

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

10 March

1980

L. J. Morris Smith

Commons Commissioner