



COMMONS REGISTRATION ACT 1965

Reference No 225/U/133

In the Matter of Mill Common
Scotlow, North Norfolk District,
Norfolk

DECISION

This reference relates to the question of the ownership of land known as Mill Common, Scotlow, North Norfolk District being the land comprised in the Land Section of Register Unit No CL417 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 7 December 1978. At the hearing Scotlow Parish Council were represented by Mr R Cubitt their clerk, and Mr A R Cartwright who is the chairman of the Commons Committee of the Norfolk Society, attended in person.

Mr Cartwright said that the Norfolk Association of Amenity Societies (on whose application the registration was made) is one of the constituent societies of the Norfolk Society, and explained the principles which had guided the Association in making this and other registrations under the 1965 Act.

The Charity Commission sent to the office of the Commons Commissioners an affidavit sworn on 8 November 1978 by Mr P G J Mackey of the London Office, to which was exhibited; (1) an extract from volume 26 of the Further Report of the Commissioners for Inquiry Concerning Charities for the County of Norfolk presented to the House of Commons in 1834, (2) a copy of a scheme made by the Charity Commissioners on 5 January 1909 and (3) a copy of a letter dated 26 March 1975 to the Charity Commissioners from Mr D Needham (the Secretary of the Charity).

The said extract and scheme show that land in Scotlow extending to 21A. 2R. 26P. was by an award dated 7 January 1831 made under an 1809 Inclosure Act (Belaugh Scotlow Little Hautbois and Hoveton St Peter: 9 Geo.4 c.8) became subject to charitable trust administered under the 1809 Scheme, and that by the scheme the land was vested in the Official Trustee of Charity Lands*.

The land in this Register Unit is (according to the register map) about 200 yards long from east to west and about 90 yards wide from north to south. Mr Cubitt explained that it is only part of the land dealt with by the 1909 Scheme and owned by the Charity, being a comparatively small piece not under cultivation at the west end.

On the evidence summarised above I am satisfied that the official Custodian (as successor of the Official Trustee) is the owner of the land and I shall accordingly direct the Norfolk County Council as registration authority, to register the Official Custodian of Charities 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 3rd day of *January* 1979

a. a. Baden Fuller

Commons Commissioner