



COMMONS REGISTRATION ACT 1965

Reference No. 225/U/237

In the Matter of Morston Quay,
Morston, North Norfolk District,
Norfolk

DECISION

This reference relates to the question of the ownership of land known as Morston Quay, Morston, North Norfolk District being the land comprised in the Land Section of Register Unit No. CL 191 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 the National Trust claimed (their solicitor's letter of 16 January 1979) ownership of the land in question, and Morston Parish Council (the registration was made on their application) said (their clerk's letter of 12 February 1979): "... the National Trust have bought the marshes since the Quay was claimed by the Parish, and they had accepted that it belonged to the Parish. The Council have been in constant contact with the Trust over the Rights on the marshes and have just completed the agreement. As far as I know the claim stands". No other person claimed to be the freehold owner of the land in question or 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 4 April 1979. At the hearing The National Trust for Places of Historic Interest or Natural Beauty were represented by Mr P R FitzGerald solicitor of Walters Vandercom & Hart, Solicitors of London.

Mr FitzGerald in the course of his evidence produced: (1) a conveyance dated 9 October 1973 by which Mr W A and Mrs L A Williamson as trustees of the trust for sale by the below mentioned 1936 conveyance declared, conveyed to the National Trust land situate at Morston comprising about 556.136 acres as described in the first schedule and shown coloured blue on the plan annexed; and (2) examined copies of (a) a conveyance dated 4 November 1936 by which Mrs F D Holdsworth with the concurrence of trustees conveyed to Messrs G P Kitson, H E Loynes and W A Williamson the land described in the first schedule (therein said to amount altogether to 1039.323 acres) and delineated on the plan annexed thereon coloured red and brown; (b) an appointment of new trustees dated 2 March 1961; and (c) another such appointment dated 26 July 1966.

The land ("the Unit Land") in this Register Unit contains (according to the Register) about 0.874 hectares (a little over 2 acres), is situate at the west end of a sea wall, is bounded on the north by Morston Creek and is easily approachable from the Village (on the south) by a track.

Mr FitzGerald said that the National Trust have not (as might perhaps be supposed from the letter from the Parish Council above quoted) given any of the 1973 conveyance lands to the Parish Council, although they are in negotiation with them about the grant of right.



From the plans and descriptions in the said 1973 and 1936 conveyances, it appears that the Unit Land is included in the lands thereby expressed to be conveyed, and such conveyances are therefore some evidence that the National Trust are now the owners in succession to Mrs F D Holdsworth. In the absence of any contrary evidence from the Parish Council or any one else, I consider I ought to give effect to this evidence. I am therefore satisfied that The National Trust are the owners of the land, and I shall accordingly direct the Norfolk County Council, as registration authority, to register The National Trust for places of Historic Interest and Natural Beauty of 42 Queen Anne's Gate, London SW1 as the owners 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 23rd — day of April — 1979

A. A. Burtin Fuller

Commons Commissioner