



COMMONS REGISTRATION ACT 1965

Reference No 225/D/52

In the Matter of Piece of land known as
Woodend Staithe, Catfield, N Norfolk D

DECISION

This dispute relates to the registration at Entry No 1 in the Land Section of Register Unit No CL. 423 in the Register of Common Land maintained by the Norfolk County Council and is occasioned by Objection No 241B made by E H and F D Drake and noted in the Register on 4 February 1971.

I held a hearing for the purpose of inquiring into the dispute at Norwich on 13 January 1977. The hearing was attended by Mr T Purdy of Messrs Purdy & Holley on behalf of the Objectors and Mr J K Wiltshire of Messrs Fosters on behalf of Catfield Parish Council which registered the land as common land.

Mr Purdy indicated that his clients could by production of their deed establish their title to the land in question. Mr Wiltshire when asked by me whether, there being no Entries in the Rights Section, he was going to establish that the land was waste of a manor indicated that he was going to claim ownership on behalf of the Parish Council on the footing that the Council had acquired a possessory title by reason of works done by it on the land. Assuming, for the purpose of argument only, that the land is in the ownership of the Parish Council, then it is clearly not waste of a manor, and is not common land as defined by Section 22 of the Act of 1965. Not only do I take the view that the land is not common land but if the ownership of the land is in doubt and that doubt can be resolved by agreement between the parties the registration of the land as common land could only be an obstacle standing in the way of such an agreement. Both parties having the advantage of legal representation it is to be hoped that they will be able to resolve the question of ownership without litigation.

For these reasons I refuse to confirm the registration.

I am required by regulation 50(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 28 day of April

1977

Y. A. Little

Commons Commissioner