



COMMONS REGISTRATION ACT 1965

Reference No. 25/U/5

In the Matter of Potters Fen,
East Dereham, Norfolk

DECISION

This reference relates to the question of the ownership of land known as Potters Fen, East Dereham, being the land comprised in the Land Section of Register Unit No. C.L.12 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 Charity Commissioners for England and Wales claimed to have information as to the ownership of the land.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Norwich on 24th February 1972.

At the hearing the Charity Commissioners were represented by Mr.Keith, who produced a printed copy of a report of the Commissioners for enquiring concerning charities, 1818 to 1837, which by virtue of s.36(2)(a) of the Charities Act 1960 is admissible as evidence of the documents and facts stated in it. From this report it appears that 10a.Or.15p. of land, being such part of Toftwood Common as comprised Potters Fen, was allotted as a fuel allotment by the Inclosure Award dated 16th March 1815 made under the East Dereham Inclosure Act passed in 1812 (52 Geo.III,c.xxxv) and vested by the Inclosure Commissioners in the lord of the manor of East Dereham of the Queen, the lord of the manor of Old Hall and Syrricks in East Dereham with Yaxham, and the vicar, churchwardens and overseers of the poor of the parish of East Dereham as trustees for certain poor inhabitants of East Dereham.

Mr.Keith also produced a document purporting to be a copy certified by an officer of the Charity Commissioners of a vesting order of the Commissioners sealed on 3rd May 1966, which is receivable in evidence by virtue of s.36(3) of the Act of 1960. By this order the Charity Commissioners vested in the Official Custodian for Charities the land known as Potters Fen containing 10.02 acres or thereabouts being the land numbered 926 on the Ordnance Survey map (1928) edition and being part of Toftwood Common. This is the land the subject of the present reference.

For these reasons I am 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.

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 March 1972

A handwritten signature in cursive script, appearing to read 'G. L. ...', written in black ink.

Chief Commons Commissioner