



COMMONS REGISTRATION ACT 1965

Reference Nos 225/D/53 to 57 inclusive

In the Matter of (1) Smocksmill Common, and
(2) water covered land to the north of Smocksmill
Common, Saxlingham, South Norfolk District,
Norfolk

DECISION

These disputes relate to the registrations at Entry No 1 in the Land Section of Register Unit No VG. 113 in the Register of Town or Village Greens maintained by the Norfolk County Council and at Entry No 1 in the Land Section and in the Rights Section of Register Unit No CL. 440 in the Register of Common Land maintained by the said Council and are occasioned by Objection No 250B (relating to the VG registration) made by Mr J L Brighton and by Objection No 278B (relating to the VG registration) and Objection Nos 279B and 280B (relating to the CL registrations) made by Major C Fellowes, Mrs R Fellowes, Mr P A Bainbridge and Mr A E Shaw, Trustees of Shotesham Estate Settlement, which said Objections were noted in the Register on 11 or 12 January 1971.

I held a hearing for the purpose of inquiring into the disputes at Norwich on 10 June 1976. At the hearing, Saxlingham Parish Council on whose application all the registrations were made were represented by Mr P C N Solomon, solicitor of Greenland Houchen & Co, Solicitors of Norwich, and Major C Fellowes, Mrs R Fellowes, Mr A E Shaw and Mr John Carver were represented by Mr J H Harris of Messrs Ireland, Chartered Surveyors of Norwich. I received a letter dated 8 June 1976 from Mr A R King (Mr J L Brighton is his father-in-law).

Mr Harris said that since 30 September 1970 (when the Trustees' Objections were made) Mr Carver had replaced Mr Bainbridge as trustee of the Shotesham Estate. There was some discussion in the course of which I was shown a document dated 9 June 1976 and signed by the persons represented by Mr Harris by which they irrevocably agreed and declared that (stating the effect of the document shortly) the inhabitants of the Parish of Saxlingham should have the right in perpetuity to go on their property known as Smocksmill Common for the recreations therein listed. Mr Solomon and Mr Harris said there was a possibility of an agreement and accordingly I adjourned the proceedings.

All the persons entitled to be heard at the further hearing of these disputes have agreed upon the terms of the decision to be given by me and have sent to the Clerk of the Commons Commissioners particulars of such terms signed by or on behalf of all such persons, such terms being that I do refuse to confirm the said registrations.

I am satisfied that there is no person other than Mr A R King who if a hearing were held would be entitled to be heard upon giving his name and address to me and satisfying me that he had succeeded to the interest or part of the interest of any other person, and that Mr King has consented in writing to the proposed terms.

I am willing to give a decision in accordance with the proposed terms and I accordingly refuse to confirm the registrations.

Dated this 3rd day of November _____

1976