



COMMONS REGISTRATION ACT 1965

Reference No 225/U/225

In the Matter of Sutton Staithe
(part), Sutton, Norfolk

DECISION

This reference relates to the question of the ownership of land known as Sutton Staithe (part), Sutton, being the part of the land comprised in the Land Section of Register Unit No VG. 30 in the Register of Town or Village Greens 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 Liveridge Properties Ltd claimed to be the freehold owner of the land in question and no other 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 24 May 1978.

At the hearing the Sutton Parish Council was represented by Mr R A F Kemp, its Clerk. There was no appearance on behalf of Liveridge Properties Ltd, but its solicitors sent to the Clerk of the Commons Commissioners a bundle of documents purporting to relate to the land the subject of the reference.

Mr Kemp took the preliminary point that Liveridge Properties Ltd (formerly known as Bryant Properties Ltd), having failed to make an application for registration in the Ownership Section of the Register Unit within the time allowed for such an application, cannot now be heard to claim ownership of any part of the land comprised in the Register Unit. In my view, there is no substance in this point. These proceedings are under section 8 of the Commons Registration Act 1965, which is only operative where there is no entry in the Ownership Section of a Register Unit.

The bundle of documents produced by the solicitor of Liveridge Properties Ltd contains some 37 items. The mere production of a bundle of documents is no way in which to prove ownership of land. At best it can only show a paper title. Mr Kemp denied that Liveridge Properties Ltd had been in possession of the land during the 16 years he had known it. His evidence was that such use as had been made of the land had been in common with other parishioners.

Such history as there is of this land is imprecise and confusing and does not satisfy me that the Parish Council has any title to the land.

In the absence of any other evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Norfolk County Council, as registration authority, to register the Parish Council as the owner of the land under section 8(3) 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