



COMMONS REGISTRATION ACT 1965

Reference Nos 225/D/42
225/D/43

In the Matter of Swainsthorpe Enclosed Common
or Pasture, Swainsthorpe, South Norfolk
District, Norfolk

DECISION

This dispute relates to the registrations at Entry No 1 in the Land Section and at Entry No 1 in the Rights Section of Register Unit No CL. 442 in the Register of Common Land maintained by the Norfolk County Council and is occasioned by Objection No 390B made by Mr Richard Robert Baker and noted in the Register on 4 September 1972.

I held a hearing for the purpose of inquiring into the dispute at Norwich on 9 June 1976. At the hearing Mr Ronald William Havers on whose application the registration in the Rights Section was made, was represented by Mr N A C Butcher solicitor of Emmett and Tacon, Solicitors of Norwich.

The registration in the Rights Section is of a right attached to a house and outbuildings known as Violet Bank to graze one head of stock. The registration in the Land Section was made in consequence of the application for the registration in the Rights Section. The grounds of the Objection are: "That the land was not Common Land at the date of registration".

Mr Butcher produced a paper signed by his firm on behalf of Mr Havers applying for the registrations to be withdrawn and signed also by Daynes Chittock and Back, Solicitors of Norwich on behalf of Mr Baker signifying their consent to this application. Mr Butcher said that Mr Havers made the application in consideration of agreed terms.

In the absence of any representation to the contrary, I consider I should give effect to the agreement reached between Mr Baker and Mr Havers, and accordingly I refuse to confirm the registrations.

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 16th day of June 1976

a. a. Baden Fuller

Commons Commissioner