



COMMONS REGISTRATION ACT 1965

Referende No. 225/U/103

In the Matter of The Clay Pits,
Barton Turf, Norfolk.

DECISION

This reference relates to the question of the ownership of land known as The Clay Pits, Barton Turf, being the land comprised in the Land Section of Register Unit No. CL 355 in the Register of Common Land maintained by the former 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 Barton Turf Parish Council 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 16 July 1976.

At the hearing the Barton Turf Parish Council was represented by Mr P. Wilton, its Chairman.

By the Inclosure Award, dated 31 August 1810, made under the Irstead Inclosure Act of 1807 (47 Geo. III, sess.1, c.xix) the land the subject of this reference was allotted to the Surveyors of Highways of the Parish of Irstead. By sections 25(1) and 67 of the Local Government Act 1894 the property of the Surveyors of Highways was transferred to the Rural District Council. It would have been possible for the Rural District Council to have desired the County Council to take over this property under section 118(1) of the Local Government Act 1929, but there is no evidence that this was ever done, so it must be assumed that the property remained with the Rural District Council and therefore passed to the North Norfolk District Council under the provisions of the Local Government Act 1972 on 1 April 1974.

In these circumstances I am satisfied that the North Norfolk District Council is the owner of the land, and I shall accordingly direct the Norfolk County Council, as registration authority, to register the District Council as the owner of the land under section 8(2) 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 to him, require me to state a case for the decision of the High Court.

Dated this 30th day of July 1976.


Chief Commons Commissioner