



In the Matter of The Common, Stiffkey, Norfolk.

DECISION

This reference relates to the question of the ownership of land known as The Common, Stiffkey, being the land comprised in the Land Section of Register Unit No CL 425 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 Stiffkey and Morston 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 15 March 1978.

At the hearing the Parish Council was represented by Mr P Schwabe, its Chairman.

It was provided by the Stiffkey and Morston Inclosure Act of 1793 (33 Geo. III, c. xxxiii) that any three or more of the persons entitled to allotments might have them laid together and that such plot should thereafter be held and enjoyed as a common pasture by the several proprietors so requesting the same (subject to such subsequent division among themselves as they should at any time agree upon). Mr Schwabe stated that the land the subject of the reference had been used as a common pasture under that provision, though he did not produce the award made under the Act.

It is not now known who are the present successors in title of the three or more persons who elected to have their allotments so laid together. The land is not now used as a common pasture, but has been for many years open to the parishioners to use as they wish. I can, however, see no ground for saying that the ownership of the land has become vested in the Parish Council.

In the absence of any other evidence I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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

21st

day of

April

1978

*G. G. G. G.*