



In the Matter of The Fen, Scarning, Norfolk.

DECISION

This reference relates to the question of the ownership of land known as The Fen, Scarning, being the land comprised in the Land Section of Register Unit No CL 255 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 no person claimed to be the freehold owner of the land in question and no one 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 23 and 24 May 1978.

At the hearing the Scarning Parish Council was represented by Mrs R Wright, its Clerk.

The land the subject of the reference was allotted by the Inclosure Award dated 14 January 1766 made under the Scarning Inclosure Act of 1765 (5 Geo. III, c.xlii (private)) as a fuel allotment. It was held by trustees for the benefit of the inhabitants of the parish until they were authorised to transfer it to the Parish Council by a scheme dated 17 November 1896 made by the Charity Commissioners under section 14(1) of the Local Government Act 1894. The trustees exercised the powers so conferred on them by a transfer dated 27 July 1897.

By an order made by the Charity Commissioners on 23 May 1961 the Parish Council was authorised to sell a triangular area forming the north-eastern part of the land comprised in the Register Unit. This power was exercised by a conveyance made 5 July 1961 between (1) The Parish Council (2) Cecil Macdonald Pawley.

On this evidence I am satisfied that the Parish Council and Mr Pawley are the owners of parts of the land, and I shall accordingly direct the Norfolk County Council, as registration authority, to register the Parish Council and Mr Pawley as the owners of their respective parts 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

22nd

day of

June

1978

CHIEF COMMONS COMMISSIONER