



In the Matter of The Gravel Pit, Stiffkey, Norfolk.

DECISION

This reference relates to the question of the ownership of land known as The Gravel Pit, Stiffkey, being the land comprised in the Land Section of Register Unit No CL 426 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.

By the award made 4 October 1794 under the Stiffkey and Morston Inclosure Act of 1793 (33 Geo. III, c.33 (private)) the land the subject of the reference was awarded and allotted to the Rector, Churchwardens, Overseers of the Poor and Surveyors of Highways of the parish of Stiffkey as and for a public sand, gravel, stone, clay, and chalk pit to be used by the proprietors and occupiers of the houses and lands in the parish.

The powers of the Churchwardens and Overseers were transferred to the Parish Council by section 6(1)(c)(iii) of the Local Government Act 1894, and the powers of the Surveyors of Highways were transferred to the newly-formed Rural District Council by section 35(1) of that Act. The functions of the Rural District Council in respect of highways were transferred to the then County Council by section 30(1) of the Local Government Act 1929, but the functions of the Rural District Council in relation to this land, although inherited from the Surveyors of the Highways, were not so transferred because the allotment was for the benefit of the proprietors and occupiers of the houses and lands in the parish and not for the repair of highways. It would therefore appear that the functions of the former Rural District Council in respect of the land have now passed to the North Norfolk District Council by virtue of article 16 and Part II of Schedule 4 of the Local Authorities (England) (Property etc.) Order 1973 (S.I. 1973, No. 1861).

For these reasons, on the evidence I am satisfied that the Rector of Stiffkey, the Parish Council and the District Council are the owners of the land, and I shall accordingly direct the Norfolk County Council, as registration authority, to register them as the owners 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 25th day of April 1978