



COMMONS REGISTRATION ACT 1965

Reference No. 25/D/216

In the Matter of The Market Place,
Aylsham, Broadland District, Norfolk.

DECISION.

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No. CL.100 in the Register of Common Land maintained by the Norfolk County Council and is occasioned by Objection No. 262B made by The National Trust for Places of Historic Interest or Natural Beauty and noted in the Register on 26 November 1970.

I held a hearing for the purpose of inquiring into the dispute at Norwich on 16 July 1975. At the hearing the National Trust were represented by Mr. E.J. Callaghan solicitor with Mills & Reeve, Solicitors of Norwich.

The registration was made pursuant to an application made by Aylsham Parish Council. The grounds stated in the Objection are: "That the land was not common land at the date of registration". In a letter dated 12 July 1975, the Clerk of the Parish Council said (in effect) that his Council had examined again the strength of their case, and concluded that they must withdraw their registration.

Mr. Callaghan at the hearing produced: (a) an assent dated 18 July 1949 by which the Executors of the Marquis of Lothian (he died 12 December 1940), after reciting that he had devised all his Blickling Estate to the National Trust, assented to the Manor of Aylsham with appurtenances vesting in the National Trust; (b) a lease dated 29 March 1951 by which the National Trust demised the Market Place to the Rural District Council of Saint Faith's and Aylsham for 15 years from 1 April 1951; and (c) a lease dated 30 August 1967 by which the National Trust demised the Market Place to the same Council for 21 years from 1 April 1966.

The land comprised in this Register Unit is the open space in the middle of Aylsham known as the Market Place. From its appearance, the said letter of 12 July 1975 and the documents produced by Mr. Callaghan, I conclude that the registration should not have been made and for this reason I refuse to confirm the registration.

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 — 23rd — day of — July — 1975.

a. a. Baden Fuller

Commons Commissioner