



COMMONS REGISTRATION ACT 1965

Reference No.25/U/20

In the Matter of The Pit,
Hevingham, Norfolk.

DECISION

This reference relates to the question of the ownership of land known as The Pit, Hevingham, being the land comprised in the Land Section of Register Unit No.C.L.90 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 Hevingham 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 4th July 1972.

At the hearing Mr. C.M. Brown, the Clerk to the Parish Council, produced a certified extract from the inclosure award made on 12th October 1801 under the Hevingham and Marsham Inclosure Act of 1799 (39 Geo.III, c.31 (private)), by which the land in question was allotted to the surveyors of the highways in Hevingham for a public sand pit.

The parish of Hevingham forms part of the rural district of St. Faith's and Aylsham. By s.25(1) of the Local Government Act 1894 all the powers, duties, and liabilities of all the highway authorities in the district were transferred to the Rural District Council, and by s.67 of that Act all property held by the highway authorities for the purposes of their powers and duties as such passed to and vested in the Rural District Council. Since the land in question was not acquired by the Rural District Council for the purposes of improving a road, its ownership did not pass to the County Council under s.117 of the Local Government Act 1929, but remains with the Rural District Council. This does not mean that the Parish Council no longer has any interest in the land. Having been allotted to the surveyors of the highways of the parish, it is "parish property" as defined in s.305 of the Local Government Act 1933, so that in the event of the sale of the land by the Rural District Council the parish would have the advantage of the money received by virtue of s.166(1) of that Act. That, however, does not affect the present ownership of the fee simple.

For these reasons I reject the claim of the Hevingham Parish Council to the ownership of the land, and I am satisfied that the St. Faith's and Aylsham Rural District Council is the owner of the land. I shall accordingly direct the Norfolk County Council, as registration authority, to register the Rural District Council as the owner of the land.

I am required by regulation 30(1) of the Commons Commissioners Regulations



-2-

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 July 1972

A handwritten signature in cursive script, appearing to read 'G. L. Smith', written over a horizontal line.

Chief Commons Commissioner