



COMMONS REGISTRATION ACT 1965

Reference No. 225/U/244

In the Matter of The Recreation Ground,  
Fakenham, North Norfolk D

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DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. VG 136 in the Register of Town or Village Greens 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 Fakenham Town Council and the Eastern Gas Board claimed to be the respective owners of parts of the land in question (the Unit land) and the Charity Commission 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 16 March 1981. At the hearing Mr I C Macbrayne, Solicitor, appeared on behalf of Fakenham Town Council, and Mr A D K Wood, Solicitor, on behalf of Eastern Gas Board. Mr A D Pond, Administrator Officer of the Registration Authority also attended.

An affidavit sworn by Mr J S Holdsworth of the Charity Commission and a Statutory Declaration sworn by Mr Robin Robinson, Clerk of the Fakenham Town Council were produced. The Unit land was the subject of an Enclosure Award dated 17 November 1070 and was allotted to the Churchwardens and Overseers of the Parish of Fakenham as a place for exercise and recreation for the inhabitants of the Parish: under the provisions of the Local Government Act 1894 it vested in Fakenham Parish Council (now designated Fakenham Town Council). In 1918 a Scheme was approved by the Charity Commission for the administration of the Recreation Ground and by a Conveyance dated 4 November 1919 part of the Recreation Ground was, with the authority of the Charity Commission, sold by the Parish Council to the Fakenham Gas and Coke Company Limited. This part comprising 2 roods 30 perches is shown on the plan on the Conveyance, and includes a section of the Unit land: by virtue of the provisions of the Gas Acts and Orders this section has now become vested in British Gas Corporation.

On the evidence I am satisfied that the remainder of the Unit land is in the ownership of Fakenham Town Council and I shall accordingly direct the Norfolk County Council, as registration authority, to register, under section 3(2) of the Act of 1965, British Gas Corporation as the owner of the section of the Unit land referred to above, and Fakenham Town Council as owner of the remainder of the Unit land.

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 1 May 1981