



In the Matter of The Staithe, Barton Turf, Norfolk.

DECISION

This reference relates to the question of the ownership of land known as The Staithe, Barton Turf, being the land comprised in the Land Section of Register Unit No. CL 356 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 the Barton Turf 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 16 July 1976.

At the hearing the Barton Turf Parish Council was represented by Mr P Wilton, its Chairman.

By the Inclosure Award, dated 9 November 1810, made under the Barton Turf Inclosure Act of 1809 (49 Geo. III, C.8 (private not printed) the land the subject of this reference was allotted to Thomas Preston, James Wiggett and William Gun to be held by them and their heirs for ever in trust for the use and convenience of the owners and occupiers of lands and tenements in the parish of Barton Turf as and for a public staithe. Mr Wilton stated that the staithe passed from the trustees to the Parish Council by virtue of the Local Government Act 1894. The trustees were empowered to transfer the staithe to the Parish Council by section 14(1) of that Act, but only with the approval of the Charity Commissioners. The Charity Commissioners have no record of such approval having been given and prolonged research into the records of the Parish Council has produced neither the document of transfer nor any record of the approval of the Charity Commissioners.

In these circumstances I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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

29th

day of

June

1977

G. P. L. Quibb

CHIEF COMMONS COMMISSIONER