



COMMONS REGISTRATION ACT 1965

Reference No. 25/U/55

In the Matter of the Village Green,
Wimbotsham, West Norfolk District,
Norfolk

DECISION

This reference relates to the question of the ownership of land (two pieces) known as the Village Green, Wimbotsham, West Norfolk District being the land comprised in the Land Section of Register Unit No. VG.7 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 no person claimed to be the freehold owner of the land in question and no 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 Kings Lynn on 25 November 1975. At the hearing, Wimbotsham Parish Council were represented by Mrs D.I Boughen, one of their members.

Mrs Boughen said (in effect):- In 1925 the whole Village including this land belonged to the Lord of the Manor, Sir Thomas Hare. After his death during the second world war, most of the land in the Village was (to pay death duties) sold to the persons then living in the houses. In a letter dated 20 June 1956 signed by Sir Ralph Hare (he succeeded Sir Thomas as owner of Wimbotsham and Stow) wrote: "...no record of ownership of Wimbotsham Village Green in the Stow Estate Ledger. As far as my son and I are concerned, we should certainly not make any claim to ownership of the Green in the event of the Wimbotsham Parish Council wishing to make one". Since then the Parish Council have kerbed the Green and made Byelaws regulating its use.

If I am satisfied that the Parish Council are owners, I am by subsection (2) of section 8 of the 1965 Act required to direct their registration as owners, and if I am not satisfied as to ownership, I am by subsection (3) of section 8 also required to direct the Parish Council's registration as owners. So it may be (because nobody other than the Parish Council claimed) of no practical consequence whether they have in the circumstances described by Mrs Boughen acquired a possessory title.

In my opinion the events described by Mrs Boughen fall short of establishing such a title; I am therefore not satisfied that any person is the owner of the land, and I shall accordingly direct the Norfolk County Council, as registration authority, to register Wimbotsham Parish Council as the owner of the land under section 8(3) of the Act of 1965.



371

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 *2nd* day of *December* 1975

a. a. Baden Fuller

Commons Commissioner