



COMMONS REGISTRATION ACT 1965

Reference No. 225/U/2280<sup>220</sup>

In the Matter of Town Meadows, Dickleburgh,  
South Norfolk District, Norfolk

DECISION

This reference relates to the question of the ownership of land known as Town Meadows, Dickleburgh, South Norfolk District being the land comprised in the Land Section of Register Unit No. VG 148 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 (1) the Revd. J W Edmonds claimed (letter of 9 October 1975) as chairman and clerk of the Dickleburgh Town Trustees ownership, explaining that the registration is wrong in that although the majority of the land is rented by the Trustees to the Parish Council for the purposes of recreation, (a) it includes an area sold by the Trustees, and (b) it excludes an area let by the Trustees to another party; and (2) Mr M W Philpot in support of the Trustees claim of ownership sent (with a letter of 7 September 1977) an extract from the below mentioned 1835 report and 1871 order. No other person claimed to be the freehold owner of the land in question or 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 3 April 1979. At the hearing (1) Dickleburgh Parochial Church Council were represented by Mr N W Sutherland solicitor of Leathes Prior & Son, Solicitors of Norwich; and (2) the Revd. Joseph William Edmonds incumbent at the Parish of Dickleburgh attended in person.

The Charity Commission sent an affidavit sworn on 23 March 1979 by Mr P G J Mackey a higher executive officer in their office, to which was exhibited copies of the documents specified in Part I of the Schedule hereto. I also had an affidavit sworn by Mr Edmonds on 3 April 1979 to which was exhibited the documents specified in Part II of the Schedule hereto.

The land ("the Unit Land") in this Register Unit is (according to the Register map) OS No. 263 containing 1.997 acres and is situated to the west of All Saints Church.

From the documents produced by the Charity Commission I conclude that the Unit Land, except so far as it has by the 1951 conveyance been conveyed away, has been since some time before the 1835 report and still is part of the lands of the Charity dealt with by the 1872 Order and the 1881 Scheme, and was therefore by the 1872 Order vested in the Official Trustee of Charity Lands. I am therefore satisfied that the Official Custodian for Charities (as his successor) is now the owner except as aforesaid of all the Unit Land.

Mr Mackey and Mr Edmonds are agreed that the land in the 1951 conveyance has ceased to belong to the Charity. For the purposes of my decision, I define



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(so that the registration authority may know what it is) "the 1951 Conveyance Land" as meaning the piece of land containing about 1 rood 14 perches which is part of the Unit Land and which is for the purposes of identification delineated on the plan being page 3 of this decision and thereon shaded and surrounded by a heavy black line. Such page of this decision is a copy of the plan drawn on the copy 1951 conveyance produced save that the pink colouring is omitted, and I have added a heavy black line round what was coloured pink.

Mr Edmonds in his affidavit says that the 1951 conveyance land was on 20 May 1952 in part consecrated by the Bishop of Norwich as a burial ground. I accept the reasoning set out in the 1979 letter of the Church Commissioners that as a result of this consecration, in accordance with *Plumstead v Ecclesiastical Commissioners* 1891 2QB 361, and an opinion of Chancellor Elphinstone (now Dean of the Arches) that the whole of the 1951 Conveyance Land is now vested in the Incumbent. I am therefore satisfied that he is the owner of the 1951 Conveyance Land.

In accordance with the ownership of which I am satisfied as above, I shall pursuant to section 8(2) of the Act 1965 direct the Norfolk County Council as registration authority to register The Incumbent for the time being of the Parish of Dickleburgh as the owner of the part of the land in this Register Unit as is is in this decision called the 1951 Conveyance Land, and to register the Official Custodian for Charities as the owner of the remainder of the said land.

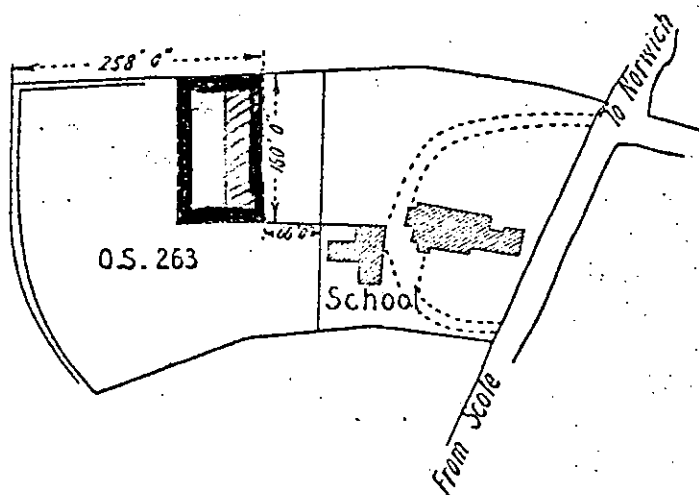
I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

#### SCHEDULE

##### Part I: Produced by the Charity Commission

PGJM/1	19 November 1975	Letter from Rev J W Edmonds to the Official Custodian for Charities.
PGJM/2	20 May 1835	Extract from volume 29 of the Further Report of the Commissioners for Inquiring concerning Charities.
PGJM/3	15 March 1872	Order of the Charity Commissioners made in the matter of the Town Lands Dickleburgh, and of the application dated 24 October 1871 for such order.
PGJM/4	12 August 1881	Order of the Charity Commissioners in the matter of the said Charity approving a scheme for its administration.

PLAN REFERRED TO.



Scale: 1/2500.

COMMONS REGISTRATION ACT 1965  
 Re: Town Meadow, Dickleburgh,  
 South Norfolk District, Norfolk  
 Ref. No. 225/U/2200  
 This plan is page 3 of the  
 decision dated 23 April  
 1979 and made by the Commons  
 Commissioner in this Matter.

*a. a. Bacon Fuller*

Commons Commissioner

