



In the Matter of Wacton Common, Wacton, South
Norfolk D

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. CL 17 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 Executors of the late Duke of Norfolk claimed to be the freehold owners of the land in question ("the Unit land") 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 Unit land at Norwich on 16 March 1981.

At the hearing, Mr D Bourne, Chartered Surveyor, of the firm of Smiths Goye, appeared on behalf of the Claimants. The hearing was also attended by Mr A D Pond, Administrative Officer of the Registration Authority, Mr B Partridge, Solicitor, of South Norfolk District Council, Mr D Black, Chairman of Wacton Parish Council, and three of the applicants for registration - Mr G Wright, Mr R King-Fisher and R E Steggles.

Mr Bourne told me that the Unit land is part of the manor of Hornsett, of which the Duke of Norfolk is the Lord. There are no title deeds, but adjoining land was sold in 1954 on the basis of a statutory declaration. Wayleaves and water easements have been granted over portions of the Unit land for which annual payments have been received by the Lord of the Manor.

On this evidence I am satisfied that the ownership is in the Lord of the Manor. The late Duke of Norfolk died in 1975 and probate of his will was granted to his Executors (Schroder Executor and Trustee Co. Ltd., the Hon. Mark F Howard and the Hon. James R Drummond) on 16 May 1975 and I shall accordingly direct the Norfolk County Council, as registration authority, to register them as the owners of the Unit land under section 8(2) of the Act of 1965.

I am required by regulation 50(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

1st June

1981

L. J. Morris Smith

Commons Commissioner