



COMMONS REGISTRATION ACT 1965

Reference No. 34/U/78

In the Matter of Furse Common (Plot 314)
Blundeston, Waveney D

DECISION

This reference relates to the question of the ownership of land known as Furse Common (Plot 314) Blundeston, Waveney D being the land comprised in the Land Section of Register Unit No. CL.79 in the Register of Common Land maintained by the former East Suffolk 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 Blundeston 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 Ipswich on 20 January 1976.

Mr R Killin of Messrs Killin & Bruce appeared for the Blundeston Parish Council and Mr Whittaker appeared for the Suffolk County Council.

By a Inclosure award of 1805 the land in question was allotted to the Surveyors for the repair of the roads and for the inhabitants to take materials from this pit for their own purposes. The land has long since ceased to be used for these purposes and Mr Killin produced extracts from the minutes of the Parish Council which established that the Council had since 1939 undertaken the care and maintenance of this pit and he also proved that the Parish Council had received compensation for the requisition of this land during the 1939/45 war, for trees which had been felled by the Electricity authority and payments for way leave. In the face of this evidence Mr Whittaker did not contest that the Parish Council had a possessory title.

On this evidence I am satisfied that Blundeston Parish Council is the owner of the land and I shall accordingly direct the Suffolk County Council, as registration authority, to register Blundeston Parish Council as the owner of the land under section 8(2) 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 20th day of February 1976

C. A. Little

Commons Commissioner