



COMMONS REGISTRATION ACT 1965

Reference No. 234/U/50

In the Matter of Land known as The Fennage,
Nayland, Babergh D

DECISION

This reference relates to the question of the ownership of land known as The Fennage, Nayland, Babergh D being the land comprised in the Land Section of Register Unit No. CL 44 in the Register of Common Land maintained by the former West 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 no person claimed to be the freehold owner of the land in question and no one 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 12 January 1979. Mrs Biggs and her daughter Mrs Rolfe appeared as the successors to Alfred Charles Biggs who at Entry No. 18 registered 31 fennages in the rights section of the Register at that registration became final on the 1 August 1972. They produced a conveyance to Mr Biggs, where by he acquired his farm together with "six fennages or rights of commonage". Mrs Biggs was understandably confused since the land is known as the Fennage and the rights of common over it are also known as Fennages. Mrs Biggs and Mrs Rolfe had no information as to the ownership of the land in question. They rent the other fennages and are concerned that their stock shall not be subject to molestation by dogs and this may well be a case where the authorities charged with the protection of the land can render valuable assistance to the commoners.

In the absence of any evidence 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 case for the decision of the High Court.

Dated this

16th

day of

February

1979

Commons Commissioners