



COMMONS REGISTRATION ACT 1965

Reference Nos. 234/D/1-14
(inclusive)

In the Matter of Little Fullingpit
Meadow and Great Fullingpit Meadow
Sudbury, Babergh D., Suffolk

DECISION

These disputes relate to Entry No. 1 in the Land Section and Entry Nos. 1 and 2 in the Rights Section of Register Unit No. CL.59 in the Register of Common Land maintained by the Suffolk County Council and to Entry No. 1 in the Land Section and Entry No. 1 in the Rights Section of Register Unit No. VG.82 in the Register of Town or Village Greens maintained by the same County Council and are occasioned by these Entries being in conflict with each other and by Objections Nos. 28 and 37 made by Mr. R.W. Wardman as chairman of the Trustees of the Sudbury Common Lands Charity and noted in the Register on 15th July 1970.

I held a hearing for the purpose of inquiring into these disputes at Bury St. Edmunds on 23 April 1975. There appeared Mr. K.W. Wardle of Messrs. Steed & Steed and Mr. G. Cook on behalf of the said Trustees and Mr. ^{Alan} Walter Berry and Mr. S.J. Blackwell in person.

All those who appeared accepted that the facts relevant to the references are indistinguishable from the facts which were relevant to the Reference Nos. 35/D/14 to 27 inclusive relating to North Meadow, Sudbury which were heard by Mr. Commissioner Baden Fuller on 26 and 27 June 1974 and which are fully set out in his decision dated 29 November 1974. In these circumstances, Mr. Wardle invited me to follow Mr. Baden Fuller's decision and to decide the disputes now before me in accordance with that decision.

Mr. Blackwell was content that I should take the course suggested by Mr. Wardle as also was Mr. Berry save only that he submitted that the Entries in the Rights Section of Register Unit No. CL.59 should comprise the right for the Freemen to fish. In the course of his argument Mr. Berry stated that his objective was to ensure that the Trustees should have complete control of the fishing rights. When Mr. Berry appreciated that in the absence of any registered rights of fishing the Trustees as owners of the land have unfettered control of the fishing and that the registration of rights far from ensuring the Trustees control could deprive them of their unfettered control he did not continue to press for the registration of fishing rights.

Therefore following Mr. Baden Fuller's decision with which I am in entire agreement I refuse to confirm the Registrations at Entry No. 1 in the Land Section and Entry No. 1 in the Rights Section of Register Unit No. VG.82 in the Register of Town or Village Greens. I confirm the Registration at Entry No. 1 in the Land Section of Register Unit No. CL.59 in the Register of Common Land without any modification and I confirm the Entry Nos. 1 and 2 in the Rights Section of the said Register unit No. CL.59 with the following modifications viz:-



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For all the words in column 4 of the said Section there shall be substituted in each case the words, "The right of every Freeman for the time being on the Freemans Roll of the Borough of Sudbury to graze two beasts and of every widow of every such Freeman to graze a beast in his or her capacity as a person entitled to the benefit of the Charity called "The Sudbury Common Lands Charity" and now being administered and managed in accordance with a Scheme approved by the High Court of Justice (Chancery Division) on 6 May 1897".

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 1st day of May 1975

C. A. Lettice

Commons Commissioner