



COMMONS REGISTRATION ACT 1965

Reference No.34/D/8

In the Matter of Snape Warren,Snape, East Suffolk.DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.C.L.51 in the Register of Common Land maintained by the East Suffolk County Council and is occasioned by Objection No.57 made by Major C.J. Vernon-Wentworth and noted in the Register on 30th September 1970.

I held a hearing for the purpose of inquiring into the dispute at Ipswich on 2nd May 1973. The hearing was attended by Mr. W.J. Church, solicitor, for the Snape Parish Council, which applied for the registration, and by Mr. P.F. Rodwell, solicitor, for the Objector.

Mr. Church did not contend that the registration should be confirmed. Indeed, he very fairly called Mr. W.R. Serjeant, the County Archivist, to produce the Snape Inclosure Award dated 9th November 1860. The Award shows that the land forming the north-western portion of the land comprised in the Register Unit was allotted to three different persons, while the remainder of the land is not referred to in the Award. From this I infer that the latter portion of the land was not subject to enclosure, so that it was not subject to rights of common in 1860, while any rights of common which there may have been over the portion which was enclosed were extinguished. There is no evidence that the land has become subject to any rights of common created after 1860. Furthermore, the Award excludes the possibility that the land is waste land of a manor. The inferences to be drawn from the Inclosure Award are also consistent with the position disclosed by the Tithe Apportionment Award of 1846.

For these reasons I refuse to confirm the registration.

Mr. Rodwell asked me to make an order for the Parish Council to pay the Objector's costs. Mr. D.W. Hallam, the Clerk of the Parish Council, produced a letter from the Clerk of the County Council dated 2nd November 1967, which suggested that Snape Warren appeared to be common land and could be registered as such. Mr. Hallam said that it was because of this letter that the Parish Council applied for the registration on 14th November 1967. The objection was dated 12th September 1970 and stated baldly that the land was not common. There was no communication between the parties until the Parish Council wrote to the Objector on 18th April 1973 to inform him about the Inclosure Award and the Tithe Award. Mr. Rodwell was not instructed until five days before the hearing. On these facts I have come to the conclusion that this is not a proper case for the awarding of costs.

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 18th day of May 1973

Chief Commons Commissioner