



In the Matter of Upper and Lower Common,  
Clare, Suffolk.

DECISION

This reference relates to the question of the ownership of land known as Upper and Lower Common, Clare, being the land comprised in the Land section of Register Unit No. CL 5 in the Register of Common Land maintained by the 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 the Clare Combined Charities 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 Bury St Edmunds. There was no appearance at the hearing on account of the snow, but the solicitors acting for the Clare Combined Charities have furnished me with affidavit evidence upon which I am willing to determine the matter.

One of the Charities known collectively as the Clare Combined Charities is a charity known as the Common Pasture. By a scheme approved by the Board of Charity Commissioners for England and Wales on 17 February 1882 the land the subject of the reference was vested in the Official Trustee of Charity Lands. The land was vested in the Official Custodian for Charities by section 48(6) of the Charities Act 1960.

On this evidence I am satisfied that the Official Custodian for Charities is the owner of the land, and I shall accordingly direct the Suffolk County Council, as registration authority, to register the Official Custodian 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

27<sup>th</sup>

day of

February

1979.

  
Chief Commons Commissioner