



COMMONS REGISTRATION ACT 1965

Reference No. 225/U/242

In the Matter of Billingsford Common,
Breckland D

DECISION

This reference relates to the question of the ownership of parts of the land described above, such parts being O.S. parcel numbers 15, 16, 17, 21, 26 and 28 included in the land comprised in the Land Section of Register Unit No. CL 96 in the Register of Common Land maintained by the Norfolk 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 claims to ownership were made by Mr F F Howard (OS Nos 15 and 17), Mrs L M White (No. 26) and Mr E F Dobbs (no. 16) and no other person claimed to have information as to ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of these parts of the land at Norwich on 16 March 1981.

At the hearing Mr I C MacBrayne, Solicitor, appeared on behalf of Mr F P Howard, and Mrs L M White and Mr Dobbs appeared in person. Mr A D Pond, Administrative Officer of the Registration Authority also attended.

O.S Nos 15 and 17 Mr MacBrayne produced the record of the Admission made on 1 February 1921 in the Manor of Billingsford Waffins of Mr Howard of two pieces of land in Billingsford, the first containing 5a.3r and the second 3a.2r. He also produced a Compensation Agreement dated 31 December 1935 between the Lord of the Manor and Mr Howard which recited Mr Howard's ... in fee simply of the two pieces and provided for the extinguishment of the manorial incidents and of the Lord's mineral and sporting rights.

It appears from the Register Map that O.S. No. 15 has an area of 3a and No. 17 an area of 2.974a. I was told that No. 15 is part of the first piece of land whose acreage was 5a.3r. It is not possible to identify the pieces of land comprised in the Admission and the Compensation Agreement, but Mr Howard gave evidence and said that the Admission does include O.S. parcels Nos. 15 and 17 and that he has farmed them since 1921 as owner.

O.S. No. 26 By a Conveyance dated 26 November 1920 a piece of land in Billingsford in area some 1a.1r and numbered 15 on the Allotment Map contained in an Enclosure award of 1867 was conveyed to A J Dack. The Allotment map was not produced and it was not possible to identify this piece of land with O.S. parcel No. 26, which has an area of 1.356 acres. However, following the death of A J Dack, his personal representative by an Assent dated



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1 December 1958 assented to the vesting in R.A.W Dack and Miss Audrey O.C Dack of the piece of land in Billingsford numbered 26 on the O.S. Map, upon trust for sale and to hold the net proceeds in trust for Mr and Mrs Dack in equal shares. Miss Dack died in 1970 intestate and letters of administration of her estate were granted to R.A.W Dack her brother and the only person entitled to her estate. R.A.W Dack died in 1979 and by an Assent dated 1 October 1979 his Executors assented to the Vesting of (inter alia) O.S parcel No. 26 in Ronald Stanley White and Linda Mary White.

O.S. No. 16 Mr Dobbs produced documents of title relating to the piece of land which is O.S No. 16. By a Conveyance dated 27 July 1959 it was conveyed to F.W Dobbs and following his death, his personal representatives assented to its vesting in Sarah Dobbs. By a Deed of Gift dated 17 November 1970 she conveyed it to Ernest Frederick Dobbs.

On the evidence I am satisfied that Mr F F Howard owns O.S Nos. 15 and 17, Mr and Mrs White own O.S. No. 26 and Mr E F Dobbs owns O.S. No. 16 and I shall accordingly direct the Norfolk County Council, as registration authority, to register them as such owners under Section 8(2) of the Act of 1965. As to O.S Nos. 21 and 28 I am not satisfied that any person is the owner and they 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 a case for the decision of the High Court.

Dated

11 May

1981

Commons Commissioner