



COMMONS REGISTRATION ACT 1965

Reference No. 225/U/38

In the Matter of Dersingham Common,
Dersingham Fen and Dersingham Open Common,
Dersingham, West Norfolk District, Norfolk

DECISION

This reference relates to the question of the ownership of land known as Dersingham Common (closed), Dersingham Fen and Dersingham Open Common, all in Dersingham, West Norfolk District being the land comprised in the Land Section of Register Unit No. CL.226 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 Dersingham Parish Council claimed to be the rightful owners of the land in question, it being at present administered on their behalf by the Dersingham United Charities. No other person claimed to be the freehold owner of the land in question or 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 King's Lynn on 27 November 1975. At the hearing (1) Dersingham Parish Council and (2) the following persons being the Trustees of the Dersingham United Charities, namely Mr W.J. White (their chairman), Rev. C. Simpson, Mr R. Richards, Mr J.H. Schorah, Mr H. Murse, Mr J. Goble, Mr R.R. Stanton, Mr A. Baxter and Mr P. Linford were represented by Mr E.H. Dodds solicitor of Hammett Bush & Co Solicitors of King's Lynn.

The land ("the Unit Land") comprised in this Register Unit is in 5 pieces containing altogether about 75 acres, situated just south of the Village and separated by the A149 road.

Mr Dodds produced (1) a counterpart lease dated 24 March 1660 by which the Official Trustee of Charity Lands devised the Unit Land (with other land) to Lord Tryon (Keeper of Her Majesty's Privy Purse) upon trust for Her Majesty the Queen for a term of 7 years, and (2) a copy of a scheme dated 12 December 1800 made by the Charity Commissioners in the matter of Dersingham United Charities as regulated by a Scheme of 9 November 1800 as varied by Schemes made subsequently. The endowments of the Charities are specified in the Schedule to the 1800 Scheme, being there stated to include "Fuel Allotment; Land containing 75 acres 1 rood 4 perches or thereabouts situate in the said Parish of Dersingham let to Her Majesty the Queen at the yearly rent of 237"; the Schedule concludes:- "Note. -- The above mentioned lands..were vested in the Official Trustee of Charity Lands by the above mentioned Scheme of the 9th November 1800".

Mr Dodds said that unfortunately the Inclosure Award was of no assistance because there was no plan to it. Mr H.D. Thompson, who was representing the County Council as registration authority, produced the copy of the Award dated 10 October 1782 and enrolled on 20 March 1783 with the Clerk of the Peace, such Award having been made under the Dersingham Inclosure Act 1779 (19 Geo.3.c.93). However



although the Award, which dealt with 2702 acres, contained some fuel allotments, I was unable from the evidence available certainly to identify any of the land so allotted with the Unit Land.

Mr Twite, who has lived in Dersingham since 1909, was clerk of the Trustees from 1942 to 1972, and is now their chairman, in the course of his evidence said (in effect):- The Unit Land has always been administered by the Trustees under the Schemes above mentioned. The 1958 counterpart, which is superscribed with the Royal Sign Manual, was taken by Her Majesty for the shooting rights.

On the evidence summarised above, I am satisfied that the Official Custodian for Charities, as successor of the Official Trustee of Charity Lands is the owner of the land, and I shall accordingly direct the Norfolk County Council, as registration authority, to register the Official Custodian for Charities 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, with 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 5th — day of December 1975

a. a. Baden Fuller

Commons Commissioner