



COMMONS REGISTRATION ACT 1965

Reference No. 25/U/50

In the Matter of Dersingham Recreation
Ground, Dersingham, Docking R.D., Norfolk

DECISION

This reference relates to the question of the ownership of land known as Dersingham Recreation Ground, Dersingham, Docking Rural District being the land comprised in the Land Section of Register Unit No. VG.51 in the Register of Town or Village Greens 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 freehold owner of the land in question and the Charity Commission 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 Norwich on 12 June 1973. The hearing was attended by Dersingham Parish Council who were represented by Mr. W. J. Twite who had been their clerk for 25 years before his retirement on 31 March 1973.

He read a statutory declaration made by Mr. L. F. Matsell (at present clerk of the Council) on 7 June 1973. I also read an affidavit of Miss E. Cooper (a Higher Executive Officer at the Office of the Charity Commission) sworn on 7 June 1973. The declaration and affidavit were to the following effect:- By an order dated 9 November 1880 the Charity Commissioners approved a Scheme for (among other charities) the Allotment known as the Recreation Ground under an award dated 12 February 1859 and confirmed by the Inclosure Commissioners on 17 February 1859; the order recited that the endowment of the Charity consisted of a piece of land containing 3 acres in Dersingham allotted under the award; the Scheme provided for the lands held for the charities to be vested in the Official Trustee of Charity Lands. By an order dated 17 December 1920 the Charity Commissioners approved a Scheme which varied the said 1880 Scheme by providing (among other things) that the said piece of land should be divested from the Official Trustee of Charity Lands and vest in the Parish Council of Dersingham as trustees of the charity.

To the declaration of Mr. Matsell was exhibited a copy of the 1859 Award and the map referred to, from which he was able to identify the land awarded as a recreation ground (numbered 24 on the map) with the land comprised in this Register Unit. The charity was on 5 May 1965 registered under section 4 of the Charities Act 1960.

On the evidence above summarised I am satisfied that Dersingham Parish Council is the owner of the land, and I shall accordingly direct the Norfolk County Council, as registration authority, to register Dersingham Parish Council 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

9th

day of

July

1973.