



COMMONS REGISTRATION ACT 1965

Reference No 225/U/170

In the Matter of Fair Green,
Diss, South Norfolk District
Norfolk

DECISION

This reference relates to the question of the ownership of land known as Fair Green, Diss, South Norfolk District being the land comprised in the Land Section of Register Unit No VG96 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 Thos Wm Gaze & Son, Surveyors, of Diss said (letter of 24 January 1975) that the land is owned by the Diss Parochial Charity Trustees under a Scheme sealed on 29 July 1960 and that Mr P E Coker of their firm is the Clerk to the Trustees. 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 Norwich on 6 December 1978. At the hearing Mr J R Speirs one of the said Parochial Charity Trustees attended in person. Additionally, the Charity Commission sent an affidavit sworn on 8 November 1978 by Mr P G J Mackey of their London Office.

To the said affidavit were exhibited copies of Schemes of the Charity Commissioners dated 2 December 1932 and 29 July 1960. The 1932 Scheme was made in the matter of the Charity (among others) known as Fairstead Green comprises in the Diss Inclosure Award made under an Act of 1814; the endowment therein specified is a piece of land containing 6a. 1r. 13p known as Fair Green or Denmark Green; by the scheme the land was vested in the Official Trustee of Charity Lands^m. The 1960 Scheme provides (clause 48) for Fairstead Green to be used as an open space and for the income to be applied for the benefit of the poor as therein mentioned.

From my copy of the Register map, a letter of 24 March 1975 sent by Thos Wm Gaze & Son to the Charity Commissioners (copy exhibited to the said affidavit), and information given to me by Mr Speirs, I identify the land in this Register Unit with that mentioned as above in the said Schemes. I am therefore satisfied that the Official Custodian (as successor of the Official Trustee) is the owner of the land and I shall accordingly direct the Norfolk County Council as registration authority, to register the Official Custodian of ~~Chambers~~ 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 1st day of January 1979

a. a. B. Sullivan