



In the Matter of Gayes Staithe, Barton Turf, Norfolk.

DECISION

This reference relates to the question of the ownership of land known as Gayes Staithe, Barton Turf, being the land comprised in the Land Section of Register Unit No. CL 358 in the Register of Common Land maintained by the former 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 the Irstead Trustees for the Poor claimed to be the freehold owners 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 Norwich on 16 July 1976.

At the hearing the Trustees were represented by Mr J V Gane, their Secretary, and the Barton Turf Parish Council was represented by Mr P Wilton, its Chairman.

By the Inclosure Award, dated 31 August 1810, made under the Irstead Inclosure Act of 1807 (47 Geo. III, Sess. 1, c. xix) the land the subject of this reference was allotted to Thomas Preston and Jared Hornor to be held by them and their heirs for ever in trust for the use and convenience of the owners and occupiers of lands and tenements in the parishes of Irstead and Neatishead as and for a public staithe.

It does not clearly appear who are the present successors in title of Mr Preston and Mr Hornor. By an agreement dated 30 January 1975 the Trustees declared that they withdrew any claim they had to the land in question in favour of the Parish Council. Mr Wilton stated that the staithe passed from the trustees to the Parish Council by virtue of the Local Government Act 1894. The trustees under the Award were empowered to transfer the staithe to the Parish Council by section 14(1) of that Act, but only with the approval of the Charity Commissioners. The Charity Commissioners have no record of such approval having been given and prolonged research into the records of the Parish Council has produced neither the document of transfer nor any record of the approval of the Charity Commissioners.

In these circumstances I am not satisfied that any person is the owner of the land, and it 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 this 18th day of May 1977

G. G. G. G.