



COMMONS REGISTRATION ACT 1965

Reference No. 225/U/15.

In the Matter of Horsford Pits, Horsford,
Broadland District, Norfolk.

DECISION.

This reference relates to the question of the ownership of part of land known as Horsford Pits, Horsford, Broadland District being the land comprised in the Land Section of Register Unit No. CL.346 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 no person claimed to be the freehold owner of the land in question and no 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 1975. At the hearing Horsford Parish Council were represented by Mr. G.C. Godfrey their chairman. He also represented the Horsford Pits Trustees who now are (i) Rev. J. Boston, vicar of _____ Horsford, (ii) Mr. L.F. Barnes of 10 Olive Crescent Horsford, (iii) Mr. G.C. Godfrey (himself) of Pinelands Poultry Farm, Horsford, (iv) Mr. H. Jole of Little Lane, Horsford, (v) Mr. G. Barrett of Bell Farm, Horsford, and (vi) Major Waring of Holt Road, Horsford. Present also was Mr. Barnes who is also Secretary of the Pits Trustees.

The land ("the Unit Land") comprised in this Register Unit contains about 2 acres and is about $\frac{3}{4}$ of a mile east of Horsford, being at the far end of Dog Lane.

Mr. Godfrey, who has been a member of the Parish Council for about 25-27 years and been chairman for the last 20 years, in the course of his evidence produced a copy of a Scheme made 30 September 1913 by the Charity Commissioners in the matter of the Charity consisting of the allotments for public gravel pits, a public clay pit, and public watering places for cattle, comprised in an award of 4 December 1802 under an Inclosure Act of 39 & 40 Geo.3.

Mr. Godfrey said (in effect):- The Pits Trustees he represented, were appointed under the 1913 Scheme, the Vicar ex officio, three by the District Council (formerly St. Faith Rural District Council) and three by the Parish Council. He had been a trustee since 1959. The Unit Land is one of the 5 pieces listed in the Schedule of Property to the Scheme; the four others are Register Unit Nos. CL.344, CL.345, CL.347, and CL.348.

During the last 12 months he, accompanied by the Secretary of the



Trustees, had with the owner of the adjoining land (Mr. Barrett also one of the Trustees) staked out the Unit Land. He knew of no disputes about the Unit Land; it is a pit always assumed to be owned by the Parish. I am concerned, not with the administration of the Charity (for administrative purposes the Parish may in substance be the owner), but with the ownership of the legal estate in fee simple, see section 22 of the 1965 Act. By the Scheme it is provided that any lands therein comprised were thereby vested in the Official Trustees of Charity Lands. I am accordingly satisfied that the Official Custodian of Charities (The Successor under the Charities Act 1960 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 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, 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 21st day of August 1975

a. a. Baden Fuller

Commons Commissioner.