



COMMONS REGISTRATION ACT 1965

Reference No 225/U/46

In the Matter of Poor Marshes near
Furze Hill, Stokesby with Herringby,
Great Yarmouth District

DECISION

This reference relates to the question of the ownership of land known as Poor Marshes near Furze Hill, Stokesby with Herringby, Great Yarmouth D, being the land comprised in the Land Section of Register Unit No CL. 250 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 Stokesby with Herringby Parish Council claimed The Official Trustee of Charity Lands is the freehold owner 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 12 January 1977.

Mr C P Fabb and Mr C J Waters, members of the Parish Council appeared and produced a print of an Order dated 19 February 1927 approving a scheme for the administration of the Charity therein mentioned. The reference number of the said Order is 2154 and its heading is Norfolk/Stokesby/Marsh Lands. The said Order states that the lands therein mentioned were vested in the Official Custodian for Charities by a scheme dated 19 February 1889. Paragraph 11 of the said scheme of 1927 states that the trustees of the scheme "shall hold the lands" as therein mentioned but as this paragraph is one of several under the heading "Management etc" I assume that it did not have the effect of divesting the Official Custodian. No evidence was led identifying the land in question as being that subject to the charitable Trust, and Mr Fabb stated that it was in fact only part of the charity land.

In all the circumstances it appears to me that the Official Custodian for Charities is the owner of the land in question; and the Charity Commission has subsequent to the hearing confirmed that I have arrived at the correct conclusion.

For these reasons I am satisfied that the Official Custodian for Charities 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, 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 17th day of March

1977

Y A LeRk