COMMONS REGISTRATION ACT 1965

Reference No. 225/D/7

In the Matter of Snettisham Beach Shingle Fields, Snettisham, Norfolk

DECISION

I reopened the hearing in order to receive evidence on 29 April 1982. CL 378

The purpose of the reopened hearing was to enable me to find the facts which would be necessary for the decision of the matter should it be held on appeal that I was wrong in law in holding in my preliminary decision that the Snettisham Parish Council had a statutory right to make the application for the registration the subject of the dispute.

Mr Le Poidevin informed me that it was agreed that Mr C J Bowman was an inhabitant of the Parish of Snettisham on 17 June 1969, the day on which the application for the registration was made, and at all other material times.

The existence of the right the subject of the registration has been known to inhabitants of the Parish of Snettisham and the right has been exercised from time to time during the period of living memory, the oldest witness on this matter being Mr F.G. Colman, now aged 73.

The first mention of the registration in the minute book of the Parish Council occurs on 7 May 1968, when Mr S Hunt asked that "Shingle rights on the beach which were granted under an Act of Parliament in 1761" should be registered. At the meeting of the Council held on 28 May 1968 Mr Hunt stressed that the Council should register "Shingle rights for inhabitants from the beach", and since no one had information as to the site of the shingle rights, the Clerk was asked to write to Dr Swann, the Research Secretary of the Commons Open Spaces and Footpath Preservation Society's Registration Committee, to ask if she could get information from documents in "the archives".

At a meeting of the Council on 3 December 1968 letters from Dr Swann were read, and the Clerk reported that Mr Parsons had told him that he had always understood from his father and grandfather that parishioners had the rights to take shingle anywhere on the south of the road to the head of the beach. It was then resolved that the Council should go ahead with the registration over the area which the Clerk had suggested.

The consideration of the area which was to be the subject of the registration continued to occupy the attention of the Parish Council, but it appears from the minutes of a meeting held on 4 March 1969 that the area had by then been agreed.

On 25 March 1969 the Annual Parish Meeting for the Parish of Snettisham was held at the School. Para. 2 (2) of Part VI of the Third Schedule to the Local Government Act 1933 required that not less than seven clear days before the meeting public notice thereof should have been given specifying the time and place of the intended meeting and the business to be transacted thereat.

There are two parish notice-boards in the village of Snettisham, one in the Market Place and one in Station Road. In addition, the Parish Council put notices in the window of Mr Colman's hairdressing establishment. None of the witnesses could recall what business had been specified in the notice of the parish meeting to be held on 25 March 1969, nor was any copy of the notice forthcoming. No evidence was given that the notice had been affixed to or

near the principal door of any church or chapel in the parish, as required by para. 2 (3) (a) of Part VI of the Third Schedule to the Act of 1933.

The meeting was attended by fourteen local government electors. Nine of them were Parish Councillors, and each of the others was an inhabitant of the Parish. Mr F.A. Barwick, who was then the Chairman of the Parish Council, presided at the meeting.

After the minutes had been approved and signed, the Chairman made a report on the activities of the Parish Council since the previous annual parish meeting. In the course of his report, the Chairman said that the Parish Council had been considering the registration of shingle rights under the Act of 1761, and the registration was proceeding and the form of application was being prepared to send to Dr Swann for her approval. After the Chairman had made his report, various questions of parochial interest were raised, but nothing more was said about the registration of shingle rights.

For the reasons given in my preliminary decision I confirm the registration with the modification there set out.

Mr Campbell asked for an order for the costs incurred by the Parish Council since the end of 1972, when the Solicitors for the Royal Society for the Protection of Birds were furnished with a copy of the relevant part of the award made under the Act of 1761, by which the beach was allotted subject to the rights of the inhabitants of Snettisham created by the Act. Mr Le Poidevin drew my attention to a letter from the Solicitors to the Royal Society for the Protection of Birds to the Solicitors to the Parish Council offering to agree to the confirmation of the registrations subject to a proviso, the terms of which were there set out. The matters the subject of the proviso were, however, outside the ambit of the Commons Registration Act 1965, and could not have been embodied in a modification of the registration. I can see no reason why in a case such as this costs should not follow the event, and I shall order the Royal Society for the Protection of Birds to pay the costs incurred by the Parish Council since 31 December 1972 to be taxed according to Scale 4 prescribed by the County Court Rules 1936, as amended, with a direction that the taxing officer be not thereby bound having regard to the complexity of the matter.

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 5th day of May 1982

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Chief Commons Commissioner