



COMMONS REGISTRATION ACT 1965

Reference No.25/U/33

In the Matter of the Marl Pit,
Stody, Erpingham R.D., Norfolk

DECISION

This reference relates to the question of the ownership of land known as the Marl Pit, Stody, Erpingham Rural District being the land comprised in the Land Section of Register Unit No.CL.135 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 14 June 1973. The hearing was attended by Stody Parish Council who were represented by Mr. E. J. Crawley their chairman and by Erpingham Rural District Council who were represented by Mr. A. Marson their clerk.

Mr. Crawley who has lived in the Village and been a member of the Parish Council for the last seven years, in the course of his evidence said:- The land is now used and as far as he can ascertain for at least the last 50 years has been used as a rubbish tip by Hunworth people: it appears to have formerly been a chalk and clay pit. The Parish Council have put up a notice to the effect that the tip is for the exclusive use of Hunworth people. Although the Parish Council have not been altogether successful in preventing other people from using the tip, nobody has ever claimed that the Parish Council has not got a right to control its use. There are some trees round the side of the tip: from time to time these have been cut down or lopped and the wood cut up and distributed by the Parish Council among old people. Nobody else has ever claimed ownership.

Mr. Marson did not claim ownership on behalf of the Rural District Council.

I conclude from the evidence outlined about that the Parish Council are in possession of the land and that it is practically certain that their possession will not be disturbed. Possession in such circumstances is equivalent to ownership and for this reason I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Norfolk County Council, as registration authority, to register Stody Parish Council as the owner of the land under section 2(2) of the Act 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

9th

day of

July

1973.

a. a. Baden Fuller