



COMMONS REGISTRATION ACT 1965

Reference No. 25/D/96-102

In the Matter of Three Pieces of Land  
adjoining Holme Common, Holme next the Sea,  
West Norfolk D

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DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and at all the outstanding Entries in the Rights Section of Register Unit No. CL 132 in the Register of Common Land maintained by the Norfolk County Council. They are occasioned by three Objections namely No. 95B made by Mr F J Smith, No. 275B made by Mr J Osborne-Clark and No. 120B made by Mr M H Thursby, noted in the Register on 10 August 1970, 12 October 1970 and 7 September 1970. There is a further Objection to the Entries in the Rights Section, No. 276B made by Mr J Osborne-Clark and noted in the Register on 12 October 1970.

I held a hearing for the purpose of inquiring into the disputes at Kings Lynn on 17 March 1981. The hearing was attended by Mr P Rippon, Solicitor, appearing on behalf of Holme next the Sea Parish Council, and by Mr S A Whitteridge, Solicitor, for the successors to Mr Smith and Mr Osborne-Clark.

Mr Rippon informed me that an arrangement had been reached and generally accepted by the parties directly concerned, whereby the Entries in both the Land and the Rights Section were to be confirmed, with modification of the Entries in the Rights Section. These Entries, which number seventy-one, are in similar form and comprise a right to take shellfish samphire and other produce: most, but not all, include a right to take wildfowl and game, and the modification is that references to wildfowl and game be deleted wherever they are included.

Mr Whitteridge said that his clients' Objections were withdrawn subject to this modification and a letter to the same effect had been received from William and James, Solicitors to Mr Thursby. There was no appearance by or evidence given on behalf of any applicant for registration in the Rights Section in support of a claim to take wildfowl or game. I shall modify the Entries by deleting this claimed right where it appears.

Very few of the Rights Entries are registered as attached to land, nor are they specifically stated to be in gross. It appears that the applications did not in terms claim that the rights are in gross, and I understand that it is now generally accepted that they should have been attached to dominant tenements. It is clear that they are rights having a connection with the locality and it does seem unsatisfactory and inappropriate that they should be considered as rights in gross. There was no evidence given before me relating to this question; the addresses of the applicants all appear to be in Holme and it was suggested that in Column 5 of the Section where there was no entry there should now be entered the address (registered in Column 3) of the applicant. I shall



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accept this suggestion and provide for this addition to be made in the Rights Section.

In the result I confirm the registration of the Entry in the Land Section: and I confirm the registrations in the Rights Section modified as indicated above ie. by deleting the reference to wildfowl and game in Column 4 in each case where that reference appears and in respect of every Entry where Column 5 is blank, by indicating in that Column the address appearing in Column 3 of such Entry.

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 1 June 1981

*L. J. Morris Smith*

Commons Commissioner