



## COMMONS REGISTRATION ACT 1965

Reference No. 225/U/55

In the Matter of Wighton Common,  
Wighton, Norfolk.

## DECISION

This reference relates to the question of the ownership of land known as Wighton Common, Wighton, being the land comprised in the Land Section of Register Unit No. CL 256 in the Register of Common Land maintained by the former 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 the Earl of Leicester claimed to be 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 16 July 1976.

At the hearing Lord Leicester was represented by Mr P. R. Fitzgerald, solicitor, and the Wighton Parish Council was represented by Mr D G Seaman, its Chairman.

The registration of this land in the Land Section of The Register Unit is, by virtue of section 10 of the Act of 1965, conclusive evidence that the land is "common land" as defined in section 22(1) of that Act. There is no registration in the Rights section of the Register Unit and the land is not registered under the Land Registration Acts 1925 to 1966, so it follows by virtue of section 1(2)(b) of the Act of 1965 that no rights of common are exercisable over the land. Therefore, the land can only fall within the definition of "common land" in section 22(1) of the Act of 1965 because it is waste land of a manor not subject to rights of common.

By a vesting deed made 30 June 1927 between (1) The Hon. Wenman Coke, Sir Guy Stephenson, and the Hon. Roger Coke (2) Thomas William, (Third) Earl of Leicester, the legal estate in fee simple in (*inter alia*) the Manor of Wighton on the Part of Lancaster in Wighton was vested in the Third Earl. By virtue of section 62(3) of the Law of Property Act 1925 this operated to convey all wastes appertaining or reputed to appertain to the manor. Mr Seaman informed me that the land in question is reputed in Wighton to appertain to this manor.

The Third Earl of Leicester died on 19 November 1941, and by a vesting assent dated 1 June 1943 the Hon. Roger Coke, Sir Richard Granville Hylton Howard-Vyse and the Hon. Richard Coke, as personal representatives of the Third Earl, assented to the vesting in Thomas William, (Fourth) Earl of Leicester all the premises comprised in the vesting deed made 30 June 1927.

The Fourth Earl of Leicester died on 21 August 1949, and by a vesting assent dated 16 April 1957 the Hon. Roger Coke, Sir Richard G. H. Howard-Vyse, and the Hon. Richard Coke, as personal representatives of the Fourth Earl, assented to the vesting in Thomas William Edward, (Fifth) Earl of Leicester of all the settled land vested in the Fourth Earl at his death.



On this evidence I am satisfied that the now Earl of Leicester is the owner of the land, and I shall accordingly direct the Norfolk County Council, as registration authority, to register him 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 30<sup>th</sup> day of July 1976.

Chief Commons Commissioner