



COMMONS REGISTRATION ACT 1965

Reference No. 234/D/67 and 68

In the Matter of Outney Common
Bungay, Waveney D

DECISION

These disputes relate to the registration at Entry No. 3 in the Rights Section of Register Unit No. CL.3 in the Register of Common Land maintained by the former East Suffolk County Council and is occasioned by Objection No. 62 made by C B Warner, R J Reynolds and J E W Gibbs and noted in the Register on 30 September 1970 and Objection No. 82 made by The County Land Agent and Valuer noted in the Register on 30 September 1974.

I held a hearing for the purpose of inquiring into the dispute at Ipswich on 22 January 1976. The hearing was attended by Mr E A Buck, the applicant for Rights in person by Mr R Campbell counsel instructed by Messrs Mills and Reeve on behalf of Bungay Town Council and Mr Brooks counsel instructed by Messrs Sprake Hughes & Co on behalf of the Objectors and Mr Whittaker on behalf of Suffolk County Council.

Mr Buck stated that he and others had shot and fished over the land in question for as long as he could remember down to the date of the registration without any permission from or objection by any person. He did not claim a sole right, nor indeed did he restrict the alleged right to any identifiable body. He had no evidence of any grant and even if he limited his claim to a right to the inhabitants such a claim for a fluctuating body would be bad in law by reason of the decision in Gatewards case. Mr Campbell who was concerned to maintain the status of the land as Common Land would have wished Mr Buck's registration to be confirmed but in answer to an inquiry by me he was unable to put forward any ground on which I could confirm Mr Buck's registration.

For these reasons I refuse to confirm the registration.

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 20th day of February 1976

C. A. Little

Commons Commissioner