



COMMONS REGISTRATION ACT 1965

Reference No. 234/U/78

In the Matter of Saxtead Green
(parts), Saxtead, Suffolk Coastal
District, Suffolk

DECISION

This reference relates to the question of the ownership of land being parts of or near to that known as Saxtead Green, Saxtead, Suffolk Coastal District and being the land comprised in the Land Section of Register Unit No. CL 163 in the Register of Common Land maintained by the Suffolk 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 Ipswich on 4 October 1979. At the hearing The Master and Fellows of Pembroke College in the University of Cambridge were represented by Mr D C F Hutchinson solicitor of Francis & Co., Solicitors of Cambridge.

The land ("the Unit Strips") in this Register Unit comprises (according to the Register map) 12 narrow strips of land alongside a much larger area (about 20 acres or more) known as "The Green". The Unit Strips are between the Green and the lands (enclosed and mostly built over) which surround it on all sides.

Mr Hutchinson said (in effect):- The Green is the land in Register Unit No. CL 96. Of this CL 96 land the College is registered as owner and such registration is undisputed. For this land a scheme under the Commons Act 1899 was made with effect from 1 August 1966 by which the management of the Green was placed in the hands of the Blyth Rural District Council; such management is now exercised by the Suffolk Coastal District Council as their successor. He was instructed that the District Council does not consider that the Unit Strips to be part of the Scheme. It is likely that the land in past times known as the Green was larger than the CL 96 land and the Unit Strips together, and that there have been encroachments on varying parts by adjoining landowners; it may be that the Unit Strips have been, are being, or shortly will be similarly encroached on. However this may be, having regard to the attitude of the local authority responsible, the College do not wish to have the Ownership of the Unit Strips vested in them, because they could not morally (possibly could not legally) assume the rights and perform the duties which would be incumbent upon them from that ownership; they therefore suggest that it would be appropriate for the Unit Strips to remain subject to section 9 of the 1965 Act.

It seems to me that the suggestion of the College is reasonable and proper, and accords with the decision which I under the Act am required to give in circumstances such as here exist. In the absence of any evidence I am not satisfied



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that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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 2nd — day of November 1979

a. a. Bacon Fuller

Commons Commissioner