

COMMONS REGISTRATION ACT 1965

Reference No. 234/U/155

In the Matter of Dole Meadow (part), Homersfield

DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. CL 116 in the Register of Common Land maintained by the former East 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 Cecil Hadingham and Frederick Hadingham ("the claimants") claimed to be the freehold owners of part of the land in question ("the Unit land") and Ernest W D Hadingham claimed to have information as to the ownership of another part.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Ipswich on 27 February 1980.

At the hearing Mr Cecil Hadingham and Mr Ernest W D Hadingham ("Ernest") appeared.

The part of the Unit land claimed by the Claimants is a small rectangular area in the north-western corner of the Unit land which, together with other property was conveyed to the Claimants by a Conveyance dated 1 July 1971 between (1) Ermest and (2) the Claimants. This Conveyance, and also a Conveyance dated 14 March 1957 between (1) East Suffolk and Norfolk River Board and (2) Ermest, were produced, the latter Conveyance being a conveyance of the part claimed to Ernest. On this evidence I am satisfied that the Claimants are the owners of the part claimed.

A Conveyance dated 20 May 1950 between (1) Edward P Whalley (2) the Church Commissioners for England (3) Major General A H S Adair and (4) Ernest was also produced. This conveyed to Ernest two plots of land in the northern part of the Unit land. At the hearing Ernest said he was uncertain whether he still owns these plots and was not prepared to claim ownership, and I am not satisfied that any person is the owner of the Unit land except for the part claimed by the Claimants.

In the result, I shall direct the Suffolk County Council, as registration authority, to register the Claimants as the owners of the part of the Unit land included in the Conveyance of 1 July 1971 under section 8(2) of the Act of 1965. The remainder of the Unit land will 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 <u>in point of law</u> 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

13 March

1980

L.J. Koms Sund Commons Commissioner