

Scolt Head and District Common Rightholders' Association

Founded 1984 Chairman: Mr C Cotton

Chriscotton13558@btinternet.com

Secretary Mr Rod Cooke

Greenstead, Church Road, Earsham NR35 2TJ

r.cooke33@btinternet.com 07788319645

SH&DCRA

*287
COMMON
RIGHTS*

Held on

*CEL 65
CEL 161
CEL 162
CEL 124*

To take:

*Wildfowl
Fish
Seaweed
Sampshire
Sand
Shingle
Shellfish
Sea Lavender
Estovers
Herbage
Tangle
Bait
Reeds
Soil
Game*

To graze;

*Cattle
Horses
Ponies*

HM Land Registry,
Wales Office,
PO Box 7803,
Bilston
WV1 9QN

15th April 2025

Dear Mr Davies,

Earl of Leicester – NK419143 - NK515798 – Land and foreshore at Burnham
Overy Staithe Norfolk.

I write on behalf of the committee of SH&DCRA.

In your letter of 25th March 2025 you gave the SH&DCRA until 18th April 2025 to respond to your failure to uphold the Associations complaints to the above registrations. I have since written on behalf of the Association to say that; whilst the Land Registry continues to withhold information, a definitive response will not be possible. The Association has asked:

- For a copy of the form FR1 relating to NK419143 Overy Marsh 77 acres.
- Whether or not the Land Registry fraud team looks into fraud committed by the Land Registry itself?
- At which point does the Land Registry Adjudicator step in?

The issue seems to be that the Land Registry, despite all of the definitive evidence supplied by the Association to show that Holkham Estate cannot claim ownership of Overy Marsh and most of the surrounding creeks, is acting fraudulently on behalf of Holkham Estate. The following will high-light further areas of what seems to be fraudulent behaviour by the Land Registry on behalf of Holkham Estate, specifically ignoring the laws relating to the First Registration of land. Uppermost is the failure by the Land Registry to provide a copy of the Form FR1 for the registration NK419143 and failure to apply due diligence to the registration application of NK515798. An emphasis is also given to the failure of the Land Registry to correct its reading of the 1922 Conveyance in relation to Overy Marsh and its continued ignoring of legal advice gained by SH&DCRA. Further emphasis is given to the glaring mistake made by the Land Registry in its use and interpretation of the Vesting Assent 1992.

The following is taken from HM Land Registry:

Guidance - Practice guide 1: first registrations Updated 23 December 2024

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In answer to the question: Can land be registered without completing the form FR1?

No, land cannot be registered without completing form FR1, which is the application form for first registration of land with HM Land Registry.

Here is a more detailed appraisal of the seemingly unlawful actions of the Land Registry referring to the above Practice Guide 1 with commentary/questions marked *:

Form FR1 is Mandatory:

When applying for the first registration of land or property, you *must* use form FR1, which is available from law stationers or can be downloaded from GOV.UK free of charge.

***Mandatory and Must seem quite relevant here. It doesn't seem that the Land Registry can ignore these instructions.**

Supporting Documents:

Along with the completed FR1 form, you also need to submit form DL (Documents List) and the appropriate application fee.

First Registration:

Form FR1 is specifically for applications to register land or property for the first time.

Deeds Lost/Destroyed:

If the title deeds are lost or destroyed, you still need to apply using form FR1, but you'll need to provide an account of the events leading to the loss or destruction, reconstruct the title as best you can, and supply evidence of the applicant's identity.

Checklist:

There is also a checklist for first registration applications available on GOV.UK.

Here is the checklist:

4. Lodging applications for first registration

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EL 65
EL 161
EL 162
EL 124

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To graze;

Cattle
Horses
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4.1 Who can apply

Under section 3(2) of the Land Registration Act 2002 a person may apply voluntarily to be registered as the proprietor of an unregistered legal estate if either:

the estate is vested in them

they are entitled to require the estate to be vested in them

The following persons cannot apply:

a person with a leasehold estate vested in them, as a mortgagee where there is a subsisting right of redemption under section 3(5) of the Land Registration Act 2002

a person whose entitlement is as a person who has contracted to buy under a contract under section 3(6) of the Land Registration Act 2002

It is also not possible, at any time, to make a voluntary application for first registration in the name of a deceased estate owner (including a deceased mortgagor) as the estate vests by statute from the moment of their death under section 1 or 9 of the Administration of Estates Act 1925.

***Without knowing what is written on the form FR1 who is to know whether or not a deceased owner is involved?**

4.2 Form of application

Your application must be made in form FRI, which is available from law stationers or can be downloaded from GOV.UK free of charge. As with all forms, you may reproduce it electronically if preferred.

***Here again the emphasis is on **must** there are no exceptions mentioned.**

4.3 Completion of the application form FR1

4.3.1 Panel 1: local authority serving the property

Enter the local authority to which council tax or business rates are paid in respect of the property. This will be either a unitary authority, metropolitan and London boroughs, or, in 'two-tier' areas, the district council area.

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£65
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£162
£124

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4.3.2 Panel 2: address or other description of the estate to be registered

Give the postal address including postcode, if any. We will generally enter the address in the register from the Post Office address file, so it may differ slightly from the address you enter here. If there is no postal address a general description such as 'land on the north side of London Road, Whiteoaks' will suffice.

4.3.3 Panel 3: extent to be registered

You must provide sufficient details to enable us to identify clearly the extent of the land to be registered on the Ordnance Survey map (rule 24(1)(a) of the Land Registration Rules 2003). If the panel has not been completed or if we cannot establish the extent sufficiently for it to be indexed, we will reject your application.

***No First Registration map has been supplied to SH&DCRA, nor was it present within the Freedom of Information materials which were paid for by the Association.**

You have 3 options when completing this panel.

4.3.3.1 Ad hoc plan

This option must be used where you supply a plan on its own to identify the property. The plan or plans must be prepared to a suitable scale, preferably based on the Ordnance Survey map. Put an 'X' in the first box and complete the statement appropriately. The plan should be securely attached to the FRI.

You cannot use the postal address option when registering a flat, maisonette, cellar or common parts within a building, or where a property comprises different extents at different levels. In these cases, you must supply a plan of the surface on, under or over which the land to be registered lies, and sufficient information to define the vertical and horizontal extents of the land (see rule 26 of the Land Registration Rules 2003). The plan can be either an ad hoc plan or a deed plan.

Similarly, a plan will always be needed if there are outbuildings or a parking area or bin space that cannot be clearly identified by description.

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4.3.3.2 Plan in title deeds

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Where the title deeds contain a satisfactory plan of the land to be registered, put an 'X' in the second box and state the nature and date of the deed that contains the plan (for example 'conveyance dated 21 April 1926').

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This option should be used only where the deed plan is well drawn to an adequate scale and it is quite clear that the position of the boundaries has not changed since the plan was prepared.

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To take:

***The Land Registry relied upon a copy of the 1922 Conveyance, apparently, but this was seen to be illegible by SH&DCRA within the documents gained by Freedom of Information. A good copy was supplied to the Land Registry by SH&DCRA with a legal opinion from the Association's solicitor that the 1922 Conveyance did not give Holkham Estate ownership of Overy Marsh, or the creeks that surround it.**

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4.3.3.3 Postal address or other description

Where the land can be fully identified from the description in panel 2 of the form you can put an 'X' in the last box. This should be possible where the property or each of the properties, if more than one, is either: completely enclosed and the whole enclosure is readily identifiable on the Ordnance Survey map from the postal address given identical to the land in another title, such as a registered lease where the application relates to the reversion. The title number should be included in panel 2, for example 'registered leasehold under title number AA123456'

To graze;

Cattle
Horses
Poultry

If registering mines and minerals owned separately from the surface you must provide under rule 25 of the Land Registration Rules 2003:

a plan of the surface under which the mines and minerals lie

any other sufficient details by plan or otherwise so that the mines and minerals can be identified clearly

full details of rights incidental to the working of the mines and minerals

4.3.4 Panel 4: class of title applied for

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4.3.4.1 General observations

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If you are applying for only a possessory title or good leasehold title, enter 'X' in the relevant box in panel 4. Otherwise, enter 'X' against absolute freehold or absolute leasehold as the case may require. The registrar will then grant the best class of title that the circumstances permit.

* It seems that the registration of NK419143 was given by the registrar as “freehold title absolute” (copy of entry obtained via FoI). Assistant Land Registrar Chris Milns states in a letter of 10th December 2024 when referring to further scrutiny of the 1922 Conveyance; “Taken together, the wording used in the 1922 Conveyance would appear to suggest that there was some uncertainty on the part of the vendor in that conveyance – the Earl of Orford – as to the nature of the title he had in respect of this area.” Based upon this further scrutiny of the 1922 Conveyance Chris Milns has concluded that; “It is our view that we cannot consider granting an absolute title (for NK515798) based on the information that we currently hold and the uncertainty around the basis upon which the land contained in parcel 232 was owned.” This being the case; why does the Land Registry stand by its unlawful registration of NK419143? The Land Registry should also note here that SH&DCRA have not suggested that Holkham Estate cannot register many of the creeks that surround the marshes of CL65, just those relating to Overy Marsh.

The Land Registry has indicated that a Form FR1 does not exist for Overy Marsh. However, referring back to two letters from the Land Registry dated 15th May 2012 to Jim Pallister of Hayes and Storr, Holt, Norfolk and The Crown Estate Office London, it is quite clear that; “...we (Land Registry) have received an application to register land...” This was Overy Marsh to which the Land Registry allocated the number NK419143.

Furthermore, the Association refers the Land Registry to a letter of 4th December 2020 from Lindsay Kirk Land Registrar which states; “... HM Land Registry received an application for registration of Land at Overy Marsh on 15th May 2012. The registration was completed on 28th June 2012 and registered under the title number NK419143.”

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***Why is the Land Registry withholding a copy of Form FR1 and maps relating to Overy Marsh NK419143?**

You should note that we might not be able to grant the class of title that you apply for.

4.3.5 Panel 5: application, priority and fees

Failure to enter the value of the land in this panel and/or to include the fee may result in the rejection of the application.

***So what value has been placed on Overy Marsh and the surrounding creeks? What fees were paid? The registration entry states at value “Not available”. So the question can be asked; why wasn’t the application rejected? SH&DCRA is aware that a value of £3,000,000 has been placed by Holkham Estate on parts of CL65.**

4.3.5.2 Easements and other rights

Easements and other rights referred to in the latest transfer will normally be included in the title, without specific application, if the registrar is satisfied that they benefit the estate being registered.

If the property has the benefit of rights not granted by deed you should apply specifically if you want them to be included in the title (see rule 33(1)(b) of the Land Registration Rules 2003). You must give details of the rights claimed, and prove their existence by appropriate statutory declarations.

***There are a number of land registrations made by Holkham Estate which cover various sections of common land CL65. It would appear that on no occasion has the legal extent of the common rights been stated on the Form FR1. The common rights held over CL65 have the status of a profit a prendre in gross. The common rightholders are legal occupiers of CL65 and the status of their common rights places quite strong restrictions upon any owner of the land. Quite clearly, any Form FR1 applications must reflect these restrictions to the freehold. (See also below **)** The application Form FR1 for NK515798 records the applicant stating only that the green hi-lighted land is common land without

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recording any of the common rightholders lawful restrictions placed upon the owner of the land.

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4.3.5.3 Other applications and their priority

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All charges to be registered and any action you are applying for (such as amalgamation with an existing registered title) should be listed in panel 5 in their intended order of priority, and any appropriate documents should accompany the application.

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EL 124

To take:

Where you are applying for any action with a specified application form, such as a restriction (form RX1) or designation as an exempt commercial information document (form EX1), you must also include that form, duly completed.

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For information on completing the sub-section headed 'Fee payment method', see HM Land Registry fees.

4.3.6 Panel 6: the applicant

The name(s) of the people applying to be registered as proprietors should be given here. Where a conveyancer lodges the application, the names of the clients not the firm should be given here. If the applicant is a company or limited liability partnership the second part of the panel will need to be completed.

To graze;

Cattle
Horses
Pigs

***Who made the application? The former Earl of Leicester made a written statement that Holkham Estate did not own the land. At what point was he lying, or is there another explanation because both cannot be correct?**

For corporate bodies that are not registered under the Companies Act 2006 in the UK, see also Constitution of a corporation.

Where the applicant is an overseas entity, their overseas entity ID issued by Companies House must be provided or confirmation that an overseas entity ID is not required. This is in addition to their territory of incorporation or formation. The application for first registration cannot be made unless the overseas entity has been registered with Companies House; it will be rejected if the overseas entity ID is not provided.

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4.3.7 Panel 7:

If you are a professional customer, fill in the details of your firm here including a phone number and email address, if you have them. You must provide either a postal or DX address for correspondence and a key number, if applicable.

***As seen at Panel 6 above, it is important to know who did complete the Form FR1 in respect of NK419143.**

***The Land Registry indicates some confusion concerning the application to register Overy Marsh NK419143; in a letter of 30th January 2025 from Assistant Land Registrar Chris Milns; “Title NK419143 The registration of title NK419143 was completed as part of a project, registering a number of areas of land to the Holkham Estate. The lead title for the project was NK358356. An FR1 form dated 3 May 2007 is stored against the lead title, however it is unclear from our records whether this related to the registration of the land in title NK419143.” Why then mention NK358356 at all if the Land Registry records are so unclear?**

If you are a citizen, fill in your name and address here including a phone number and email address, if you have them.

If you include an email address, we will use it to contact you about your application.

We will deal only with the person named in panel 7 of the application form. Requests to correspond with a third party will be refused. We will acknowledge receipt of your application only if an email address is provided.

4.3.9 Panel 9: where the applicant is more than one person

Where there are joint estate owners, you must select one of the options in panel 9 by placing 'X' in the appropriate box.

If they are neither equitable joint tenants nor tenants in common in equal shares, select the last box and complete the statement as necessary.

The purpose of this is not to give the registrar notice of the trusts under which the land is held (under section 44(1) of the Land Registration Act 2002), but

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simply to enable us to enter a Form A restriction (see rule 95(2)(a) of the Land Registration Rules 2003). We must enter this restriction whenever we register 2 or more persons as proprietors of an estate in land, unless the survivor of the proprietors will be able to give a valid receipt for capital money arising on a disposition. As a rule, the survivor can only give a valid receipt where the proprietors are equitable joint tenants or the personal representatives of an absolute owner.

***Who is it that claims to be the owner?**

4.3.10 Panel 10: name and address(es) for service for the proprietor of any charge

4.3.11 Panel 11: disclosable overriding interests

Schedule 1 of the Land Registration Act 2002 lists the interests that override first registration. You should also refer to paragraphs 7 to 13 of Schedule 12 to the Land Registration Act 2002 for transitional arrangements relating to overriding interests.

****There are a number of land registrations made by Holkham Estate which cover various sections of common land CL65. It would appear that on no occasion has the legal extent/overriding interests of these common rights been stated on the form FR1. The common rights held over CL65 have the status of a profit a prendre in gross. The common rightholders are legal occupiers of CL65 and the status of their common rights places quite strong restrictions upon any owner of the land. Quite clearly, any Form FR1 applications must reflect these restrictions to the freehold.**

It should be remembered that at no time did the Land Registry contact common rightholders or SH&DCRA, as their protocol demands, to inform them of the registration application for NK419143.

With certain exceptions, you must disclose overriding interests that affect the estate being registered, and that the applicant actually knows about (see section 71 of the Land Registration Act 2002). The exceptions are set out in rule 28(2) of the Land Registration Rules 2003. In particular, you do not need

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to disclose any interest that is apparent from the deeds and documents of title lodged with your application.

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to disclose any interest that is apparent from the deeds and documents of title lodged with your application.

***The Land Registrar, Lindsay Kirk, in a letter of 4th December 2020 gave as a reason for common rightholders not being informed about the application to register Overy Marsh in 2012; “At the time the application for registration was being considered in 2012, we were neither made aware, nor was it apparent from the information available to us, that there may be other parties who claimed to have an interest in the land in issue.” This seems to confirm that an application Form FR1 is in existence. It also confirms that, if the form is in existence, it would seem to have been completed fraudulently. Whichever is the case, when this anomaly was pointed out to the Land Registry no action was taken. Why was this?**

Guidance

Practice guide 15: overriding interests and their disclosure

5.3 Easements and profits a prendre

On first registration, any legal easement or profit a prendre is an overriding interest (Schedule 1, paragraph 3).

In this panel, you must state whether there are any disclosable overriding interests, by placing an ‘X’ in the appropriate box. If there are any, you must list them on form DI, and lodge it with your application.

We may enter a notice in the register of any interest that you disclose.

Further information on overriding interests is contained in practice guide 15: overriding interests and their disclosure.

4.3.12 Panel 12: certificate as to other interests

Failure to complete this panel is likely to result in the rejection of the application.

Generally there will be no rights, interests or claims known to the applicant other than those disclosed in the title documents or forms lodged. In this case

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place an 'X' in the first box in panel 12. If a certified copy of the instrument creating a right or interest is lodged, the right or interest will be treated as disclosed in the title documents and you do not need to mention it here. Nor do you need to disclose again any interest you have listed on form DI.

If there are any other undisclosed interests, rights or claims known to the applicant, place an 'X' in the second box and complete the statement with whatever particulars are available. Any affecting land charges not covered in the deeds should be listed here.

***It is important to know to what extent has this - above hi-lighted - been complied with on the NK419143 application Form FR1? (See above reference to Lindsay Kirk's letter of Dec. 2020.) To repeat: *There are a number of land registrations made by Holkham Estate which cover various sections of common land CL65. It would appear that on no occasion has the legal extent/overriding interests of these common rights been stated on the application Form FR1. The common rights held over CL65 have the status of a profit a prendre in gross. The common rightholders are legal occupiers of CL65 and the status of their common rights places quite strong restrictions upon any owner of the land. Quite clearly, any Form FR1 applications must reflect these restrictions to the freehold.**

It should be remembered that at no time did the Land Registry contact common rightholders or SH&DCRA, as their protocol demands, to inform them of the registration application for NK419143.

Examples of third party rights, interests and claims that can affect the property are set out below. In this context, 'land charges' means puisne mortgages, equitable charges, estate contracts, restrictive covenants, equitable easements and other charges on, or obligations affecting, land falling in one of the classes listed in section 2 of the Land Charges Act 1972.

As explained in Who can apply the applicant is generally the estate owner, but in certain circumstances others have the right to apply. When you are instructed by more than one party, for example the estate owners and the first mortgagees, include any rights, interests and claims known to any of them.

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5.1.1.1.1

4.3.12.1 Leases and tenancies

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You must tell us here of any lease to which the land is subject for which you are unable to provide documentary evidence, and that is not an overriding interest. Give details if you are aware of any options contained in these leases.

Even though the leases are not overriding interests, there is no objection to your listing them on form DI if it would be convenient to do so.

You should also tell us about any options contained in leases that are not capable of being noted (see section 33 of the Land Registration Act 2002) where the option has not been disclosed in the title deeds or on form DI under paragraph 2 of Schedule 1 of the Land Registration Act 2002.

***Since the mid-1980's Holkham Estate has leased, unlawfully, large sections of common land CL65 to Burnham Overy Harbour Trust. Holkham Estate have quoted the Land Registry as their legal backing for this lease. This has, essentially, lead to major infringements of common rights.**

4.3.12.2 Land charges registered at the Land Charges Department

See Land Charges searches.

4.3.12.3 Land charges created by the applicant (or a predecessor in title where the applicant is not a purchaser for value)

Land charges of this kind will be binding on the proprietor whether or not they have been registered at the Land Charges Department.

***Common rightholders have a charge on the common as does Burnham Overy Parish Council.**

4.3.12.4 Rights acquired, or in course of being acquired, under the Limitation Act 1980

If squatters occupy any part of the property details must be given here, unless the squatters' interest has been disclosed on form DI under rule 28(1) of the

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SH&DCRA

Land Registration Rules 2003. We will not complete registration until the claims of the squatters have been investigated.

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4.3.12.5 Claims

Held on

Give particulars of any claims that may result in an objection to the application or should be noted in the register (unless disclosed on form DI). If possible, provide the name and address of the person making the claim.

££ 65
££ 161
££ 162
££ 124

4.3.13 Panel 13: examination of title

To take:

Place an 'X' in the box if the applicant's title, including the title to any beneficial rights, has not been examined in the usual way prior to the application. If it has, you should leave panel 13 as it is. By signing panel 17 you will certify that it is correct. This enables the registrar, if thought fit, to have regard to prior examination by a conveyancer when they examine the title (see rule 29 of the Land Registration Rules 2003).

Wildfowl
Fish
Seaweed
Samphire
Sand
Shingle
Shellfish
Sea Lavender
Estovers
Herbage
Fangle
Bait
Reeds
Soil
Game

To graze;

Cattle
Horses
Ponies

***Much evidence has been supplied to the Land Registry by SH&DCRA to show that the examination of title for Overy Marsh and the creeks that surround it are seriously flawed. Legal opinion acquired by SH&DCRA shows that the 1922 Conveyance did not give Holkham Estate title over Overy Marsh and the creeks that surround it. The Land Registry has now finally recognised that there is “**uncertainty**” regarding ownership of Overy Marsh NK419143. The Land Registry has also made use (unlawfully as the 1922 Conveyance is present) of the Vesting Assent document dated 5th April 1994. SH&DCRA challenged this document on numerous occasions; not only does the use of this document not comply with the law relating to first registrations, where title deeds are required, but the Vesting Assent itself shows quite clearly that Overy marsh was not included in the vesting. The First Schedule of the Vesting document states; “**...all of which property is shown for identification purposes only coloured yellow on the attached plans.**” The attached plans show quite clearly that Overy Marsh is not included in the lands covered by the Vesting Assent. Why has the Land Registry continued to insist on referring to this document as supporting the application Form FR1?**

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Scolt Head and District

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4.3.14 Panels 14 to 16: confirmation of identity

To protect ourselves and our customers from identity fraud, we require completion of these panels when you are registering a transfer, lease or charge. If these are not completed, then we may reject the application.

***Who completed the application Form FR1 for NK419143?**

In panel 14 you should cross the appropriate panel depending on whether you are a conveyancer or not. Depending on the answer, complete panel 15 or 16 by listing the parties to the deeds and who acted for them. Evidence of identity for an unrepresented party must be supplied. See practice guide 67: evidence of identity for further information.

***Who completed Panel 14?**

4.3.15 Panel 17: signature of applicant or their conveyancer/Date

You must sign and date the form. We may reject any unsigned form FR1.

***Who signed the Form FR1for NK419143?**

***Without sight of the application Form FR1 it is not possible to say why so many mistakes have been made by the applicant and the Land Registry. It is quite clear however that the Land Registry has failed in its duty to apply its protocols relating to First Registrations and, rather than revisiting the registration application for NK419143, it is maintaining a position of defending the indefensible.**

4.4 Documents that must accompany form FRI

4.4.1 Form DL

Form DL, in duplicate, must always accompany form FR1. In panel 1, give the address or other description of the property. In panel 2, list, in order, all the documents lodged in support of the application (see rule 24(1)(d) of the Land Registration Rules 2003).

***What documents accompanied the application?**

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4.4.2 Plan

If you have placed an 'X' in the first box in panel 3 of form FR1, you must enclose a plan sufficient to enable the land to be clearly identified on the

Ordnance Survey map (rule 24(1)(a) of the Land Registration Rules 2003). See Completion of the application form FRI for information on completing this panel.

*Where is the plan?

4.4.3 Lease

Where the title is leasehold, you must lodge the original lease, if it is in the applicant's control, even if it pre-dates the root of title. You should also lodge a certified copy of the lease. If the title is subject to any leases you should lodge the relevant counterparts. See also Applications lodged by conveyancers – acceptance of certified copy deeds.

4.4.4 Title deeds

Send all the deeds and documents relating to the title that the applicant has or can oblige the holder to produce, including opinions of counsel, abstracts of title, copies of documents, contracts for sale, requisitions, replies, searches and other documents relating to the title. All these documents must be listed on form DL under rule 24(1)(d) of the Land Registration Rules 2003.

***There are no supporting deeds to show that Holkham Estate ever owned Overy Marsh. Both the 1922 Conveyance and the Vesting Assent are superfluous references to documents irrelevant to ownership. The Lord of the Manor was one of three trustees holding the land for the benefit of the poor until the Local Government Act of 1894.**

*Where the application is based on a purchase for value and the title has been investigated in the usual way back to a good root at least 15 years old, **you should resist the temptation to edit the deed package so as to send us only a recent root of title and subsequent conveyances.** Though we may not need to see very old documents, particularly if they are fragile, deeds from the 19th*

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RIGHTS

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CL 65
CL 161
CL 162
CL 124

To take:

Wildfowl
Fish
Seaweed
Samphire
Sand
Shingle
Shellfish
Sea Lavender
Estovers
Herbage
Tangle
Bait
Reeds
Soil
Game

To graze;

Cattle
Horses
Pigs

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and early 20th centuries often contain definitive details of covenants,

and early 20th centuries often contain definitive details of covenants, easements and other matters that need to be entered in the register. They may also contain better plans than more recent deeds.

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To graze;

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***It seems that the applicant failed to “...resist the temptation to edit the deed package...” and furthermore, failed to produce any evidence for ownership by Holkham Estate. Had common rightholders and SH&DCRA been informed of the application in 2012, the evidence for Holkham Estate having no claim to Overy Marsh would have been given to the Land Registry. Quite clearly the Land Registry has failed to apply due diligence.**

You will reduce the likelihood of our sending you requisitions by lodging a complete bundle of deeds, and the examiner will have a better opportunity to frame fully informative entries both as to the nature of any covenants or rights and the extent of the land affected.

Original deeds and documents need not be produced if they are not in the control of the applicant. Examples would be where:

they affect other land

they are held by a chargee under a subsisting charge entered into before the transfer to the estate owner (but note that, as we will have to register the charge, the chargee will usually have to consent to the application)

their production would entail the applicant paying a fee to the holder

In such cases, you should supply an abstract or certified copies of the relevant deeds. Copies of deeds will be scanned and destroyed. Abstracts should be marked by a conveyancer as examined against the original deeds. All particulars of wills, grants of probate or letters of administration, marriages, civil partnerships and deaths set out in the abstract of title as separate items should also be verified and marked accordingly.

***No original supporting deeds, conveyances or vesting documents can be produced showing Holkham Estate as owner of Overy Marsh as they do not exist.**

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To graze;

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If there is no good explanation for the absence of the original deeds, we may not be able to give an absolute title. If you require further information about missing deeds, refer to practice guide 2: first registration of title if deeds are lost or destroyed.

***Why was Overy Marsh NK419143 registered to Holkham Estate when so much of the documentation was missing?**

The evidence required in support of your application depends on the nature of the title and the class of title sought – see The examination process and classes of title.

Where the application is based on an assent, we will need to be satisfied that the assentee was the person entitled to have the legal estate transferred to them – see Titles based on assents.

***As has been seen above, the Vesting Assent actually disproves any claim the Holkham Estate might have to Overy Marsh.**

recent court decisions have stated that only the deeds can establish the exact line of a boundary on a property registered with general boundaries

***As no plan given with the Form FR1 application to register Overy Marsh has been made available, there can be no possibility of establishing boundaries.**

Conclusion:

SH&DCRA have been in correspondence with the Land Registry for many years concerning the unlawful aspects of land registration of parts of the common land CL65 at Burnham Overy Staithe.

Definitive evidence has been supplied to the Land Registry to show that the claims made by Holkham Estate are false. This evidence was again summarised in a letter to Assistant Land Registrar Chris Milns in January 2025 as follows:

- Both the Enclosure Award and Tithe Award confirm that Overy Marsh was left for the use of the poor. Burnham Overy Parish Council minutes confirm that ownership by the council was recognised well into the 1990's. There is no evidence that the land was ever sold. SH&DCRA legal advice supports the view that the land was left for the use of the poor. Holkham Estate have not been able

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to produce any evidence of title to this land but the Land Registry, instead of following their own protocols, did continue to register the land to Holkham Estate!

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- In 1971, on documents prepared by the **Crown Estate** and Holkham Estate, Overy Marsh is shown as **not** belonging to Holkham. Copies of these documents were sent to the Land Registry by SH&DCRA. There seems to be no record of the Land Registry challenging this record with Holkham Estate.

- In 1981 the **Commons Commissioners** specifically identified Overy Marsh as not belonging to Holkham Estate. Copies of these documents were sent to the Land Registry by SH&DCRA but ignored. There is a question here concerning the Land Registry's ignoring a decision of the Commons Commissioners.

- Two pieces of signed correspondence, one by Lord Coke and one by his secretary, plus a map from Holkham dated 1985 show Holkham not claiming ownership of Overy Marsh. Copies of these documents were sent to the Land Registry by SH&DCRA but ignored by them. It seems incredulous that the Land Registry can just ignore such evidence from 1985 and still hark back to some discredited documents from 1922.

- Lord Leicester signed a letter to SH&DCRA in 2001 which states; "We confirm that we believe that it (Overy Marsh) is not in the ownership of the Holkham Estate." A copy of this letter was sent by SH&DCRA to the Land Registry but has been ignored by them.

- In a 2018 letter from Holkham to Burnham Overy Parish Council, the present Earl of Leicester mentions issues concerning Holkham's ownership of Overy Marsh and the possibility that they should "step back from the recent registration of the land". A copy of this was sent to the Land Registry but has been ignored as with all of the other definitive evidence for Holkham Estate not owning the land covered by NK419143.

More recently, January 4th 2024, Holkham Estate are reported in the press as saying that they would; "...[transfer title of the 77 acres to BOPC. If the parish council requested it.](#)" That Burnham Overy Parish Council, as trustees for this land, have unlawfully allowed Holkham Estate to take control of the land is a matter that is now in the hands of the Monitoring Officer of Kings Lynn and West Norfolk Council. **The land Registry might take note of the reluctance of Holkham Estate at this late stage to stand by their registration of NK419143 and revisit the whole process for registration of both NK419143 and NK515798. SH&DCRA would be happy to be involved in this process.**

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SH&DCRA have asked:

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- For a copy of the form FR1 relating to NK419143 Overy Marsh 77 acres.
- Whether or not the Land Registry fraud team looks into fraud committed by the Land Registry itself?
- At which point does the Land Registry Adjudicator step in?

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Poona

Of particular importance is an answer to the question; **who is the Land Registry answerable to?** It is quite concerning that land which is held in trust for the benefit of the poor and said to have a value in the millions of pounds can be “grabbed” by a private organisation with the support of the Land Registry without any compensation being paid.

The MP for the area, Mr James Wild, will be kept in the picture as will the press, television and postings on social media.

Yours sincerely,
Rod Cooke
Sec. SH&DCRA

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