



COMMONS REGISTRATION ACT 1965

Reference No 2/U/67

In the Matter of the Gravel Pits, Harts Hill Road,
Thatcham, Newbury R.D., Berkshire

DECISION

This reference relates to the question of the ownership of land known as the Gravel Pits, Harts Hill Road, Thatcham, Newbury Rural District being the land comprised in the Land Section of Register Unit No CL.86 in the Register of Common Land maintained by the Berkshire 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 Newbury Rural District Council in a letter dated 2 January 1973 claimed to be the freehold owner of the land in question and no other person claimed to be the owner or 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 Reading on 21 March 1973. The hearing was attended by Newbury Rural District Council who were represented by Mr J A Rowe their Deputy Clerk.

Mr Rowe produced a statutory declaration made 13 December 1971 by Mr B J Thetford clerk of the Council, who had then held that position for nearly 4 years. He said that the land forms part of the possessions of the Council, that the records of the Council show that the Council have received the rents and profits since 1923 and that the Council had been in full and undisturbed possession and enjoyment without any adverse claim during the period he had been clerk and previously thereto from the year 1923 according to the said records.

Mr Rowe in his oral evidence said:- He had been Deputy Clerk for the last 4 years. The history of the land was basically that it was an old gravel pit used for highway purposes when parishes were responsible for the highways. Later it has been filled in and used for grazing. Until last year it was let for grazing to a local farmer and the rent paid to the Council. There are currently discussions with the Parish Council as to making a Scheme under the Commons Act 1899 for the regulation and management of the land (it is locally known as Marsh Meadow Common) and as to making byelaws under the Act.

On the evidence outlined above I conclude that the Council is in possession of this land and that it is practically certain that their possession will never be disturbed. Possession in such circumstances being equivalent to ownership, I am satisfied that the Council is the owner of the land, and I shall accordingly direct the Berkshire County Council, as registration authority, to register Newbury Rural District Council 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

29th

day of

March

1973

a. a. Baden Fuller

Commons Commissioner