



In the Matter of Bisterne Common, Ringwood,
Hampshire

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 176 in the Register of Common Land maintained by the Hampshire County Council and is occasioned by Objection No. OB 242 made by Mr D Milligan and noted in the Register on 26 August 1970.

I held a hearing for the purpose of inquiring into the dispute at Winchester on 21 March 1984. The hearing was attended by Mr E Mason, Assistant County Secretary, on behalf of the Hampshire County Council as registration authority, the registration having been made without application, and by Mr V Chapman, of Counsel, on behalf of the Objector.

Mr Mason informed me that the land comprised in the Register Unit had formerly been waste land of a manor, but that it had been inclosed for many years. There being no subsisting entries in the Rights Section of the Register Unit, the land therefore does not fall within the definition of "common land" in Section 22(1) of the Commons Registration Act 1965. Mr Mason produced a letter dated 19 March 1984 from the Nature Conservancy Council in which the hope was expressed that it would be possible for me to take account of the need to conserve the biological interest of the land in deciding its future status. This, however, is not a matter within my jurisdiction, which is solely to determine whether the land is "common land" as defined in the Act of 1965.

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

9th

day of

April

1984


Chief Commons Commissioner