



COMMONS REGISTRATION ACT 1965

Reference No.14/D/29

In the Matter of Broxhead Common (part),
Whitehill and Headley, Hampshire.

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.CL 304 in the Register of Common Land maintained by the former Hampshire County Council and is occasioned by Objection No.OB 230 made by Amey Gravel Ltd and noted in the Register on 19th October 1970.

I held a hearing for the purpose of inquiring into the dispute at Winchester on 9th April 1974. The hearing was attended by Mr John Mills, Q.C. and Mr John Trenhail on behalf of Mr J.H.Ellis, the applicant for the registration. There was no appearance on behalf of the Objector.

The land the subject of this reference consists of two separate areas adjacent to the main part of Broxhead Common (Register Unit No.CL.147) at its northern and southern extremities. The Objection relates to the northern of the two areas. There was no objection in respect of the southern area.

By letter dated 25th February 1974 Mr Ellis informed the Objector that from information in his possession, together with a very old map which had just come into his possession, he found that the northern plot of land was not common land. Mr Ellis further stated that he wished to withdraw his registration of this plot. It was, of course, then too late for the registration to be withdrawn, but no doubt the Objector construed Mr Ellis's letter as a statement of his intention not to support the registration of the northern area at the hearing.

Had the two areas been registered separately, the absence of any objection in respect of the southern area would have resulted in its having become final by operation of law under section 7 of the Commons Registration Act 1965.

In these circumstances I confirm the registration with the following modification, namely, the exclusion of the area the subject of the Objection.

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 31st day of October 1974

Chief Commons Commissioner