



COMMONS REGISTRATION ACT 1965

Reference No.14/U/79

In the Matter of Burnt Common,
Mortimer West End, Hampshire.

DECISION

This reference relates to the question of the ownership of land known as Burnt Common, Mortimer West End, being the land comprised in the Land Section of Register Unit No.CL 38 in the Register of Common Land maintained by the former Hampshire 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 no person claimed to be the freehold owner of the land in question and no one claimed 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 Winchester on 22nd May 1975.

At the hearing Mr J.Yeates, solicitor, appeared on behalf of the Stratfield Mortimer Relief in Need Charity and the Official Custodian for Charities.

By the Inclosure Award dated 1st December 1804 made under the Stratfield Mortimer Inclosure Act of 1802 (42 Geo.III, c.XXII) the land the subject of this reference was allotted to the lord of the manor and the vicar, churchwardens and overseers of the Parish of Stratfield Mortimer as trustees for the poor of the parish as a fuel allotment. By a scheme made by the Charity Commissioners dated 10th January 1958 the land was vested in the Official Trustee of Charity Lands, who has been succeeded by the Official Custodian for Charities under section 47(6) of the Charities Act 1960.

On this evidence I am satisfied that the Official Custodian for Charities is the owner of the land, and I shall accordingly direct the Hampshire County Council, as registration authority, to register him 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 10th day of June 1975

Chief Commons Commissioner