



COMMONS REGISTRATION ACT 1965

Reference No. 14/U/48

In the Matter of Heckfield Common, Heckfield,
Hart D., Hampshire

DECISION

This reference relates to the question of the ownership of land (a tract of about 3.8 acres) known as Heckfield Common, Heckfield, Hart District, Hampshire being the land comprised in the Land Section of Register Unit No. VG.70 in the Register of Town or Village Greens maintained by the 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, (a) Mr J.E.A.R. Guinness chairman of Heckfield Parish Council in a letter dated 29 November 1972 said that the land is two pieces which were donated to the parishioners of Heckfield many years ago and therefore rightly belonged to the Parish Council as trustees of the parishioners; (b) Mrs M. James in a letter dated 5 December 1972 said that she had been asked by Mrs Alexander, clerk of the Parish Council to give what knowledge she had of the Award given to Heckfield Parish in 1860 of plots of land 19 and 21 on Heckfield Common, that she lived for a good many years close to the land in question, that her late husband W.J. James wrote a work in three volumes on the History of Heckfield and Mattingley in 1956 (abridged version published in 1965) in which this land is mentioned, that she came to live in Heckfield in 1919 and that she had always heard of this land which was given to the Parish, but that over the years nothing had been done about it; and (c) Mr R.P. Béeny in a letter dated 2 December 1972 said he was surprised to see that there is a doubt as to the ownership of the land when the Enclosure Award dated 28 December 1860 allots this area to the parishioners of Heckfield for exercise and recreation. No other person claimed to be the freehold owner of the land in question 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 Winchester on 15 October 1974. There was no appearance at the hearing.

The Return made in 1903 to the House of Commons of Awards deposited with the Clerks of the Peace records, an award dated 28 December 1860 relating to Heckfield Heath and made under the General Inclosure Acts, had been so deposited. The Return made in 1913 to the House of Commons of Acts passed for the inclosure of lands records that an 1858 Act (21 & 22 Vict. c. 61) relates to Heckfield (564 acres). However no copy of any award was at the hearing produced to me, so that in the absence of evidence I am not satisfied that the Parish Council or anyone else is the owner of the land.



- 2 -

It may be that the Parish Council, to save expense, did not arrange for any representation at the hearing, realising that if I was not so satisfied, I should under subsection (3) of section 8 of the Act direct the registration of the Parish Council as owners, and considering that it was of no practical consequence whether the registration of the Parish Council as owners was made under subsection (2) or subsection (3). However this may be, because I am not satisfied as to ownership I shall direct Hampshire County Council, as registration authority, to register Heckfield Parish Council as the owner of the land under section 8(3) 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 4/5 day of November 1974

a. a. Baden Fuller

Commons Commissioner