



In the Matter of Land at Shepherd Road,  
Bartley, Copythorne, Hampshire.

DECISION

This reference relates to the question of the ownership of land at Shepherd Road, Bartley, Copythorne, being the land comprised in the Land Section of Register Unit No. CL 289 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 the Forestry Commission claimed to be the freehold owner of the land in question and no other person 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 23 February 1977.

At the hearing Mr F J M Slinger, solicitor, appeared on behalf of the New Forest District Council and Mr F P R Wallows, of counsel, appeared on behalf of the Forestry Commission.

The whole of the land in question, with the exception of a road running along its north-eastern side, was transferred to and vested in the Forestry Commissioners by art. 1 of the Forestry (Transfer of Woods) Order 1926 (S.R. & O 1926, No. 677). This land is now vested in the Ministry of Agriculture, Fisheries, and Food by virtue of the Forestry Act 1945.

On this evidence I am satisfied that the Minister of Agriculture, Fisheries, and Food is the owner of the land with the exception of the road, 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.

In the absence of any evidence as to the status of the road I am not satisfied that any person is the owner of the site of the road and it will therefore remain subject to protection under section 9 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 26th day of April 1977

  
Chief Commons Commissioner