

JW

COMMONS REGISTRATION ACT 1965



Reference No. 214/U/23

In the Matter of Land near St. Mary's Church,  
Silchester, Hampshire

DECISION

This reference relates to the question of the ownership of land near St. Mary's Church, Silchester, being the part of the land comprised in the Land Section of Register Unit No. CL.255 in the Register of Common Land 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 the Silchester Parochial Church Council 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 6 July 1983. At the hearing the Parochial Church Council was represented by Mr E F Hatch, Solicitor.

The land the subject of the reference lies between the Churchyard and the road to the east known as Church Lane. It is gravelled and has for many years been used as a car park by members of the congregation attending Church Services, although there is no physical barrier to its use by other persons.

It is stated in a circular letter issued by the Rector and Churchwardens in November 1933 that two projects had become urgent, viz:-

- (i) an extension of the churchyard, then almost full, and
- (ii) the provision of a small car park instead of the farmyard, where cars were only admitted by courtesy of the tenant.

It was further stated that the Duke of Wellington had released the necessary land for both purposes, and an appeal was made for contributions towards the cost of fencing, draining, and otherwise preparing the land.

The Duke of Wellington conveyed the land for the churchyard extension by a Conveyance dated 28 February 1934, but if he executed a Conveyance of the land for the Car Park, this cannot now be found. However, the minute book of the Parochial Church Council for the years 1933 to 1936 contains several references to the gift of land by the Duke for a car park, stating that in 1934 and 1935 work on the car park was postponed because of lack of funds, and minutes of the meeting held on 15 April 1936 record the grateful thanks of the Rector to Mr T Hartley and other parishioners for carrying out work of clearing and graveling the car park. Since then the car park has been used by the parishioners of Silchester without any adverse claim by anyone.

On this evidence I am satisfied that the Parochial Church Council is the owner of the land, and I shall accordingly direct the Hampshire County Council, as registration authority, to register the Parochial Church Council as the owner of the land under Section 8 (2) of the Act of 1965.



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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

26<sup>th</sup>

day of

January

1984

Chief Commons Commissioner