



COMMONS REGISTRATION ACT 1965

Reference No214/D/172-174,175-176

In the Matter of Lower Green, Kingsley  
Kingsley Common (part), Kingsley

DECISION

These disputes relate to the registrations at (A) Entry No. 1 in the Land Section and in respect of the Deemed Rights in the Rights Section of Register Unit No. VG 156 in the Register of Town or Village Greens maintained by the Hampshire County Council (B) Entry No. 1 in the Land Section and Entries No. 11-17 in the Rights Section of Register Unit No. CL 172 in the Register of Common Land maintained by the said Council and are occasioned by<sup>1</sup> Objection No. OB 663 made by the Highways Department of the County Council and<sup>2</sup> noted in the Register on 22 February 1972, (2) the conflicting registrations between the Entries in the Land Sections referred to in (A) and (B) above.

I held a hearing for the purpose of inquiring into the dispute<sup>3</sup> at Winchester on 13 February 1980. The hearing was attended by Mr A J P Biddick, Articled Clerk in the legal department of the County Council, and Mr J H Ellis, Chairman of the Broxhead Commoners Association, representing the applicants for rights.

Objection No<sup>4</sup> 663 by the County Council was withdrawn. The application for registration as Village Green, VG 156, was made by Mr W F Moore and for registration as Common Land, CL 172, by Mr W J Haydon. It appeared that the rights holders had agreed to withdraw their claim to rights of common on the footing that the registration as Village Green took effect, and in the absence of any support for the continued registration as Common Land, I confirm the registration as Village Green (with no deemed rights) and refuse to confirm the registration as Common Land.

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

13 March

1980

*L. J. Morris Smith*

Commons Commissioner