



COMMONS REGISTRATION ACT 1965

Reference No. 14/U/94

In the Matter of Lyde Green, Rotherwick, Hampshire

DECISION

This reference relates to the question of the ownership of land known as Lyde Green, Rotherwick, being the land comprised in the Land Section of Register Unit No. CL.69 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 no person claimed to be the freehold owner of the land in question and no one claimed to have information as to its ownership.

Mr Commissioner Baden Fuller held a hearing for the purpose of inquiring into the question of the ownership of the land at Winchester on 16 October 1974.

There was no appearance at the hearing and the learned Commissioner gave a decision accordingly dated 4 November 1974.

Upon an application made by the Rotherwick Parish Council the learned Commissioner decided to set aside his decision and reopen the hearing.

I reopened the hearing at Winchester on 6 July 1983. On this occasion the Rotherwick Parish Council was represented by Mr D Davies, its Vice-Chairman.

By the Rotherwick Inclosure Award made in 1857 under the Second Annual Inclosure Act 1849 the land in question was set out, allotted, and awarded to the Churchwardens and Overseers of the Poor of the parish of Rotherwick to be held in trust as a place of exercise and recreation for the inhabitants of the parish and neighbourhood. The land was transferred to the Parish Council by sections 6 (1) (c) (iii) and 67 of the Local Government Act 1894.

On this evidence I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Hampshire County Council as registration authority, to register the Parish Council 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

22nd

day of

July

1983

Chief Commons Commissioner