



In the Matter of Part of the Bed of the River  
Itchen, Southampton, Eastleigh and West End,  
Hampshire.

DECISION

This reference relates to the question of the ownership of part of the bed of the River Itchen, Southampton, Eastleigh and West End, being the land comprised in the Land Section of Register Unit No. VG 3 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 no person claimed to be the freehold owner of the land in question but Mr W D Sandey 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 22 March 1984.

At the hearing Mr E Mason, Assistant County Secretary, appeared on behalf of the Hampshire County Council and Mr Sandey appeared in person.

Mr Sandey produced a most interesting book entitled The Itchen Navigation by Edwin Course, published in 1983. The author refers to a number of local Acts of Parliament dealing with the Navigation, the earliest being one of 1665, but I did not find his work of any assistance in discovering who is the present owner of the bed of the river, for the author states: "The end of the Navigation is as ill defined as its beginning". I can only say that in the absence of any evidence I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Hampshire County Council, as registration authority, to register the Southampton City Council as the owner of the land under section 8(3) of the Act of 1965. I should add that although the notice of reference describes the land in question as being situate in "Southampton, Eastleigh Borough and West End Parish", it appears from the Land Section of the Register Unit that the whole of the land comprised in it is situate in the City of Southampton, the City Council having been the registration authority at the time when the land was registered.

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

13<sup>th</sup>

day of

April

1984.

  
Chief Commons Commissioner