



COMMONS REGISTRATION ACT 1965

Reference No.14/U/78

In the Matter of Pickling Yard Gravel Allotment,
Mortimer West End, Hampshire.

DECISION

This reference relates to the question of the ownership of land known as Pickling Yard Gravel Allotment, being the land comprised in the Land Section of Register Unit No.CL 37 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 no person claimed to be the freehold owner of the land in question and no one 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 22nd May 1975.

At the hearing Mr J.Yeates, solicitor, appeared for the Mortimer West End Parish Council.

By the Inclosure Award dated 1st December 1804 made under the Stratfield Mortimer Inclosure Act of 1802 (42 Geo.III, c.xxii) four pieces of land numbered 34, 35, 36, and 37 were allotted as and for public stone and gravel pits, the piece numbered 37 being the land the subject of this reference. It appears from the documents referred to in my decision in In the Matter of The Recreation Ground, Mortimer West End (1975), Ref.No.14/U/80 that by 1967 the pieces numbered 34, 35, and 36 had become vested in the Parish Council. Mr Yeates invited me to draw the inference that the piece numbered 37 had also become so vested. In view of the fact that there is no other evidence relating to the ownership of this piece, I have come to the conclusion on the balance of probabilities that the title to all four pieces devolved in the same way and that the Parish Council is now the owner of the land. 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 17th day of June 1975

Chief Commons Commissioner