



COMMONS REGISTRATION ACT 1965

Reference No.14/U/44

In the Matter of Sarisbury Green,
Fareham, Hampshire.

DECISION

This reference relates to the question of the ownership of land known as Sarisbury Green, Fareham, being the land comprised in the Land Section of Register Unit No.VG 58 in the Register of Town or Village Greens 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 the former Fareham Urban District 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 23rd January 1975.

At the hearing the Fareham Borough Council was represented by Mr T.E. Billington, solicitor.

The land in question was allotted by the Titchfield Inclosure Award made 15th November 1866 under the Second Annual Inclosure Act 1859 to the Churchwardens and Overseers of the Poor of the Parish of Titchfield as a recreation ground. By an order of the Board of Charity Commissioners for England and Wales sealed 26th March 1901 the recreation ground was to be managed by the Sarisbury Parish Council as trustees and was vested in that Council. By the County of Southampton Review Order made 1st April 1932 the recreation ground became part of the Urban District of Fareham and by an order of the Charity Commissioners sealed 31st March 1933 it was vested in the Fareham Urban District Council.

On 1st April 1974 the Fareham Urban District Council ceased to exist and its property was transferred to the Fareham Borough Council by article 16 of and Part II of Schedule 4 to the Local Authorities (England) (Property etc) Order 1973 (1973 S.I.No.1861).

On this evidence I am satisfied that the Fareham Borough Council is the owner of the land, and I shall accordingly direct the Hampshire County Council, as registration authority, to register the Borough 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 30th day of January 1975


Chief Commons Commissioner