



In the Matter of small piece of land at N E
tip of Kingsley Common

DECISION

This reference relates to the question of the ownership of land described above being the part of the land comprised in the Land Section of Register Unit no. CL.41 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 the County 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 29 January 1986. At the hearing Mrs G Cronan, solicitor, of the County Council appeared on its behalf. No other claimant appeared.

The piece of land in question was part of the property conveyed to Mrs P.I.M. Jones by Kingsley Fruit Farms and Nursery Ltd in a Conveyance dated 10 October 1951. The same property was conveyed by Mrs Jones to Alton Rural District Council by a Conveyance dated 14 May 1973. The County Council is the successor Authority to the Rural District Council and, as appears from a Statutory Declaration made on 26 January 1986 by Mr David A Jones, an Engineer in the County Council's employment, the County Council has been since 1974 in undisputed possession of the piece of land in question, which is used for waste disposal.

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

19th

day of

March

1986

L. J. Morris Smith

Commons Commissioner