



COMMONS REGISTRATION ACT 1965

Reference No.14/D/18

In the Matter of Stephens Castle
Down (part), Upham, Hampshire.

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.C.L.8 in the Register of Common Land maintained by the Hampshire County Council and is occasioned by Objection No.OB 147 made by Lord Penhryn and noted in the Register on 26th January 1970.

I held a hearing for the purpose of inquiring into the dispute at Winchester on 25th October 1973. The hearing was attended by Mr. R.J.Roddis, of counsel, on behalf of the Objector. I allowed Mr. R.A. Beck to speak on behalf of Mr. F. Biddle, whose application is noted in the Register.

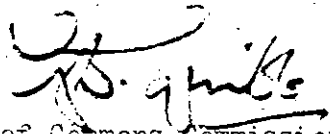
The land in question is a small triangle at the northern end of Stephen's Castle Down, the major portion of which is the subject of disputes Nos.14/D/9-11.

It does not appear from the evidence that any portion of the Down situate in Upham parish has ever been subject to rights of common. If, however, there ever have been any such rights, they have not been exercised for over 30 years and the evidence indicates that they have been abandoned.

For these reasons I refuse to confirm the registration.

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 21st day of January, 1974


Chief Commons Commissioner