



COMMONS REGISTRATION ACT 1965

Reference No.14/U/3

In the Matter of Swanmore Pond,
Swanmore, Hampshire.

DECISION

This reference relates to the question of the ownership of land known as Swanmore Pond, Swanmore, being the land comprised in the Land Section of Register Unit No.V.G.12 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, the Swanmore Parish 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 14th December 1972.

At the hearing the Parish Council was represented by its Clerk, Mrs. E. Hodgkinson.

By an Inclosure Award made on 11th January 1870 under the Annual Inclosure Act 1863 the land in question was set out and appointed as a public pond or watering place, which should be from time to time properly cleansed and repaired by and at the expense of the Churchwardens and Overseers of the Parish. The power to do this was contained in section 61 of the Inclosure Act 1845, but that Act does not contain any provision as to the ownership of any such public pond or watering place. In these circumstances, in the absence of any other evidence as to the ownership of this land, it seems to me that my best course is to say that 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 Swanmore Parish Council as the owner of the land under section 8(3) 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 11th day of January 1973

Chief Commons Commissioner