



COMMONS REGISTRATION ACT 1965

Reference No.14/U/150

In the Matter of The Chalk Pit,
White House Road, Appleshaw, Hampshire.

DECISION

This reference relates to the question of the ownership of land known as The Chalk Pit, White House Road, Appleshaw, being the part of the land comprised in the Land Section of Register Unit No.CL 310 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 January 1975.

At the hearing the Appleshaw Parish Council was represented by its Clerk, Mr E.P.Woolgrove.

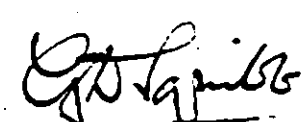
By the Inclosure Award made 15th January 1818 under the Appleshaw and Weyhill Inclosure Act of 1812 (52 Geo.III,c.clxxxii) the land the subject of this reference was vested in the Surveyor or Surveyors of the Highways of the Township of Appleshaw for a chalk pit for the purpose of furnishing materials for making and repairing the roads in the township.

The chalk pit was transferred to the Rural District Council by sections 25(1) and 67(1) of the Local Government Act 1894 when that Council became the highway authority. It would have been possible for the Rural District Council to require the County Council to take over the chalk pit under section 118(1)(b) of the Local Government Act 1929, but there was no evidence that this was done. I therefore infer that the chalk pit remained vested in the Rural District Council until that Council ceased to exist on 1st April 1974. On that date the property of the Rural District Council was transferred to the Test Valley District Council by article 16(3)(a) of and Part II of Schedule 4 of the Local Authorities (England)(Property etc.) Order 1973 (S.I.1973, No.1861).

On this evidence I am satisfied that the Test Valley District Council is the owner of the land, and I shall accordingly direct the Hampshire County Council, as registration authority, to register the District Council as the owner of the land under section 3(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 4th day of February 1975


Chief Commons Commissioner