



COMMONS REGISTRATION ACT 1965

Reference No.14/U/7

In the Matter of The Old Pond,
Chilbolton, Hampshire.

DECISION

This reference relates to the question of the ownership of land known as The Old Pond, Chilbolton, being the land comprised in the Land Section of Register Unit No.V.G.26 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 Chilbolton Parish Council claimed to be the freehold owner of the land in question and Mr. R.A.D. Copper 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 13th December 1972.

At the hearing the Chilbolton Parish Council was represented by Mr. E.G. Laishley, its Clerk. Mr. Copper did not appear and was not represented

Mr. Laishley adduced in evidence a conveyance made 1st April 1954 between the Church Commissioners for England and the Parish Council, whereby there were conveyed to the Parish Council with other land not relevant to these proceedings "all or any other pieces of waste or commonable land situate within the said Parish of Chilbolton". Mr. Laishley said that he understood that these pieces of waste or commonable land included the land the subject of this reference. I find myself unable to say that this was so. However, be that as it may, Mr. Laishley produced an account book of the Parish Council which showed that a Mr. Dunford paid rent for this land to the Council for a period of 35 years from 1924. Mr. Laishley also produced two counterparts of grants of rights of way over this land dated 22nd November 1967 for annual rents which are still being paid. Whatever may be the position under the conveyance of 1954, I find that the Parish Council have exercised rights of ownership over this land for many years and are unlikely to be disturbed.

I am therefore satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Hampshire County Council, as registration authority, to register the Parish 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 21st day of December 1972


Chief Commons Commissioner