



COMMONS REGISTRATION ACT 1965

Reference No.14/U/24

In the Matter of Burghclere Common,  
Burghclere, Hampshire.

DECISION

This reference relates to the question of the ownership of land known as Burghclere Common, Burghclere, being the land comprised in the Land Section of Register Unit No. V.G.76 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 Burghclere Parish Council claimed to be the freehold owner of the land in question and Mr. F.A. James, of Newtown Common, Newbury, 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 31st May 1972.

At the hearing Mr. W.E.D. Smith, Clerk to the Burghclere Parish Council, produced a conveyance made 3rd May 1906 whereby Admiral Sir Arthur Dalrymple Fanshawe conveyed the land in question to himself and Richard Dalrymple Fanshawe as trustees, for public ground for the parish of Burghclere in the form prescribed by the Recreation Grounds Act 1859. Mr. Smith did not go on to adduce any evidence as to the present position. The fact that the conveyance is in the custody of the Parish Council is consistent with the trustees' having transferred the land to the Parish Council under section 14(1) of the Local Government Act 1894. I am not, however, prepared to assume this. On the evidence before me 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 Burghclere 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 27<sup>th</sup> day of June 1972

Chief Commons Commissioner