



COMMONS REGISTRATION ACT 1965

Reference No.14/D/14

In the Matter of Land to the East of Stonehill Road,  
Headley, Hampshire

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.CL 218 in the Register of Common Land maintained by the former Hampshire County Council and is occasioned by Objection No.OB 259 made by Mr J.W.Eames and noted in the Register on 1st September 1970.

I held a hearing for the purpose of inquiring into the dispute at Winchester on 21st May 1975. The hearing was attended by Mr D.P.Lawson, solicitor, on behalf of the Objector. Mr H.G.Obee, the applicant for the registration did not appear and was not represented, but since his non-appearance was due to ill-health, I acceded to his application to accept a statutory declaration made by him in support of his application.

Most of Mr Obee's declaration is concerned with the ownership of the land comprised in the Register Unit. Apart from that, all that he says about the land is that up to 1964 it was unfenced and not completely fenced until 1968.

Mr Lawson submitted that Mr Obee's declaration disclosed no prima facie evidence that the land in question fell within either limb of the definition of "common land" in section 22(1) of the Commons Registration Act 1965. This submission I accepted.

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 10th day of June 1975

  
Chief Commons Commissioner