



COMMONS REGISTRATION ACT 1965

Reference Nos. 14/D/9
14/D/10
14/D/11

In the Matter of Stephens Castle
Down, Bishop's Waltham and Upham,
Hampshire.

DECISION

These disputes relate to the registration at Entry No.1 in the Land Section of Register Unit No.C.L.6 in the Register of Common Land maintained by the Hampshire County Council and are respectively occasioned by Objection No. OB 147 made by Lord Penhryn and noted in the Register on 28th January 1970, Objection No. OB 149 made by Mr. W.G.R. Wightman and noted in the Register on 19th March 1970, and Objection No. OB 221 made by the Executors of Mrs. Una M.G. Leavett-Shenley deceased and noted in the Register on 14th July 1970.

I held a hearing for the purpose of inquiring into the disputes at Winchester on 25th October 1973. The hearing was attended by Mr. R.J. Roddis, of counsel, on behalf of the Objectors. I allowed Mr. R.A. Veck to speak on behalf of Mr. F.A. Gray, the applicant for the registration, and for Mr. F. Biddle, whose application is noted in the Register.

In the early years of the present century the land in question was used by neighbouring farmers for grazing sheep. It appears from the Bishop's Waltham Tithe Award, made in 1841, that the portion of the land in that parish was then subject to rights of common, but it appears from the Upham Tithe Award, also made in 1841, that the portion of the land in the latter parish was held in parcels with nearby farms and was not subject to rights of common.

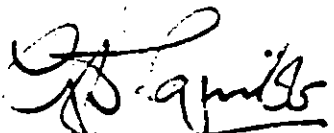
However, sheep rearing in the district has died out and there have been no sheep on the land for many years. Grazing ceased before World War II and the land has since been used for training race-horses.

I have come to the conclusion that any rights of common which formerly existed have been abandoned and so exist no longer.

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 21st day of January 1974


Chief Commons Commissioner