



COMMONS REGISTRATION ACT 1965

Reference No.14/U/28

In the Matter of The Recreation Ground,
Hedge End, Hampshire.

DECISION

This reference relates to the question of the ownership of land known as The Recreation Ground, Hedge End, being the land comprised in the Land Section of Register Unit No.V.G.87 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 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 14th December 1972.

At the hearing Mr. C.S. Ranson, solicitor, appeared for the Hedge End Parish Council.

By the Botley Common Inclosure Award made in 1865 under the Annual Inclosure Act 1859 the land the subject of this reference was allotted to William Warner of Botley, the lord of the manor of Botley, subject to the obligation of preserving the surface thereof in good condition and of permitting it to be used as a place for exercise and recreation for the inhabitants of the parish of Botley and neighbourhood. This condition as to exercise and recreation seems to have been imposed under section 30 of the Inclosure Act 1845. There is, however, no evidence as to who is now the successor in title of Mr. Warner or of any transfer of the property under section 14(1) of the Local Government Act 1894.

In the absence of any such evidence 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 Hedge End 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 21st day of December 1972

Chief Commons Commissioner