



COMMONS REGISTRATION ACT 1965

Reference No.14/U/80

In the Matter of The Recreation Ground,  
Mortimer West End, Hampshire.

DECISION

This reference relates to the question of the ownership of land known as The Recreation Ground, Mortimer West End, being the land comprised in the Land Section of Register Unit No.CL 39 in the Register of Common Land maintained by the former 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 22nd May 1975.

At the hearing Mr J.Yeates, solicitor, appeared for the Mortimer West End Parish Council.

By the Inclosure Award dated 1st December 1804 made under the Stratfield Mortimer Inclosure Act of 1802 (42 Geo.III, c.xxii) three pieces of land numbered 34, 35, and 36 were allotted as and for public stone and gravel pits. By some proceeding of which there seems to be no surviving evidence these pieces of land became vested in the Trustees of a Charity known as the Gravel Allotments in the Ancient Parish of Stratfield Mortimer, and by a scheme dated 30th November 1966 the Trustees were authorised to exchange these pieces of land for the land the subject of this reference. The exchange was effected by a deed of exchange dated 12th April 1967 made between (1) The Parish Council of Mortimer West End (2) Vice-Admiral Richard Benyon, John William St John Whitehead, and Reginald Egerton Johnson. Although there is no direct evidence on the matter, it appears from these documents that the trusteeship of the charity had at some time passed to the Parish Council.

On this evidence I am satisfied that the Mortimer West End 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 17<sup>th</sup> day of June 1975

Chief Commons Commissioner