



COMMONS REGISTRATION ACT 1965

Reference No. 38/U/12

In the Matter of Peckham's Copse, North Mundham,
West Sussex (No. 2)

DECISION

This reference relates to the question of the ownership of land known as Peckham's Copse, North Mundham, Chichester Rural District, being the land comprised in the Land Section of Register Unit No. CL73 in the Register of Common Land maintained by the West Sussex 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 person claimed to have information as to its ownership.

Mr Commissioner Baden Fuller held a hearing for the purpose of inquiring into the question of the ownership of the land at Chichester on 9 January 1973. No person attended the hearing.

In the absence of any evidence the learned Commissioner was not satisfied that any person is the owner of the land and it therefore remains subject to protection under section 9 of the Act of 1965. However, after notice of the decision had been given Heaver Estates (Southern) Ltd applied to the learned Commissioner to reopen the hearing and set aside his decision under reg. 21 of the Commons Commissioners Regulations 1971. This application was granted, and I reopened the hearing under reg. 29 at Chichester on 11th June 1976.

The land the subject of the reference was included in the parcels of a conveyance made 3rd September 1971 between (1) John Heaver Holdings Ltd (2) Albert Edmund Humphry and Leslie Francis David (3) National Westminster Bank Ltd (4) Heaver Estates (Southern) Ltd. The root of title is a conveyance made 8th January 1943 — between (1) Susannah Edith Strange (2) Harriett Ann Heaver, James William Loader Cooper, John Painter Heaver, and Herbert Reginald Heaver. From 1943 the land in question was worked as a gravel pit by the Heaver group of companies until about eighteen years ago, when the excavated land was allowed to fill with water and was stocked with fish. It became two lakes separated by a causeway. It remained private fishing, and licences were issued by the Heaver companies. Since 1971 it has continued to be private fishing, and tickets have been issued and the fish stocks kept up by Heaver Estates (Southern) Ltd.

On this evidence I am satisfied that Heaver Estates (Southern) Ltd is the owner of the land, and I shall accordingly direct the West Sussex County Council, as registration authority, to register that company 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 21st day of July 1976.


Chief Commons Commissioner