



COMMONS REGISTRATION ACT 1965

Reference No.41/U/12

In the Matter of Southward Chalkpit,
Aldbourne, Wiltshire.

DECISION

This reference relates to the question of the ownership of land known as Southward Chalkpit, Aldbourne, being the land comprised in the Land Section of Register Unit No.C.L.38 in the Register of Common Land maintained by the Wiltshire 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 Salisbury on 23rd October 1973.

There was no appearance at the hearing. However, Mr G. Ab Ifor, solicitor, for the Wiltshire County Council drew my attention to the Inclosure Award, dated 10th August 1809, made under the Aldbourne Inclosure Act of 1805 (45 Geo.III, c.92 (private not printed)). It appears from this Award and the map attached to it that the land in question was one of several pieces of land allotted to the Surveyors of Highways for chalk, sand, and gravel pits. As such, it would have been transferred to the Marlborough and Ramsbury Rural District Council under sections 25 and 67 of the Local Government Act 1894. Mr Ab Ifor said that the chalk might have been worked out before 1894, so that the land in question was not at that date a chalk-pit in more than name. It does not, however, appear to me that this possibility affects the position. Section 67(1) of the Act of 1894 relates to all property held by the former highway authorities for the purpose or by virtue of their powers and duties as such. While it might be said that a worked-out pit was no longer held for the purpose of a highway authority's powers and duties, the highway authority could still properly be said to hold it by virtue of its powers and duties.

The highway functions of the Rural District Council were transferred to the County Council by the Local Government Act 1929. That Act did not, however, automatically transfer quarries to the County Council. Under section 118(1)(b) the County Council had to take over any quarry belonging to the Rural District Council in its capacity as highway authority, if desired by the Rural District Council. There is no evidence in this case that the Rural District Council ever so desired.

On this evidence I am satisfied that the Marlborough and Ramsbury Rural District Council is the owner of the land, and I shall accordingly direct the Wiltshire County Council to register the Rural District



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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 28th day of November 1973

A handwritten signature in black ink, appearing to read 'G. S. Quill', with a horizontal line underneath.

Chief Commons Commissioner