



In the Matter of Bartley Heath and Hook
Common (part) Harat D.

DECISION

This reference relates to the question of the ownership of part of the land ("the unit land") comprised in the Land Section of Register Unit No. CL.4 in the Register of Common Land maintained by Hampshire County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

The part of the unit land with which this decision is concerned is a small area ("the Hook piece") on the northern boundary of Hook Common. In the Decision No. 1 dated 23 July 1985 I referred to this piece but deferred a Decision as to its ownership.

Corpus Christi College Oxford claims ownership of the larger part of the Hook piece. The College is already registered as owner of a part of the unit land adjoining the Hook piece. In a Statutory Declaration made on 1 May 1985 by Mr Brian G Campbell, the College Bursar, he deposes to the fact that the part of the Hook piece coloured red on an attached plan ("the red part") forms part of the Ancient Estates of the College and that for upwards of the past 30 years its rents and profits have been received by the College. He is not aware of any other person in possession or occupation adversely to the College's title.

On the plan attached to the Statutory Declaration a strip along the N W edge of the Hook piece is marked "Sold H Buckland 1965". At the hearing a Mr T Buckland appeared claiming ownership, but did not produce any evidence. Subsequently an incomplete copy Conveyance bearing a blank date in 1981 between H R Buckland and T Buckland has been furnished. Despite several requests, Mr Buckland has not supplied any further documents or evidence in support of his claim.

It further appears from the plan referred to above that a small section of the Hook piece on its eastern side was sold to a purchaser in 1967. A copy of the plan is attached to this Decision.

On the evidence I am satisfied that the College is the owner of the red part but I am not satisfied that any person is the owner of the remainder of the Hook piece. I shall accordingly direct the Hampshire County Council, as registration authority, to register the College as the owner of the red part under section 8 (2) of the Act of 1965. The rest of the Hook piece will remain subject to protection under section 9 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

14th

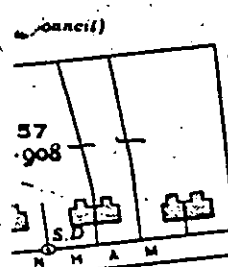
day of

November

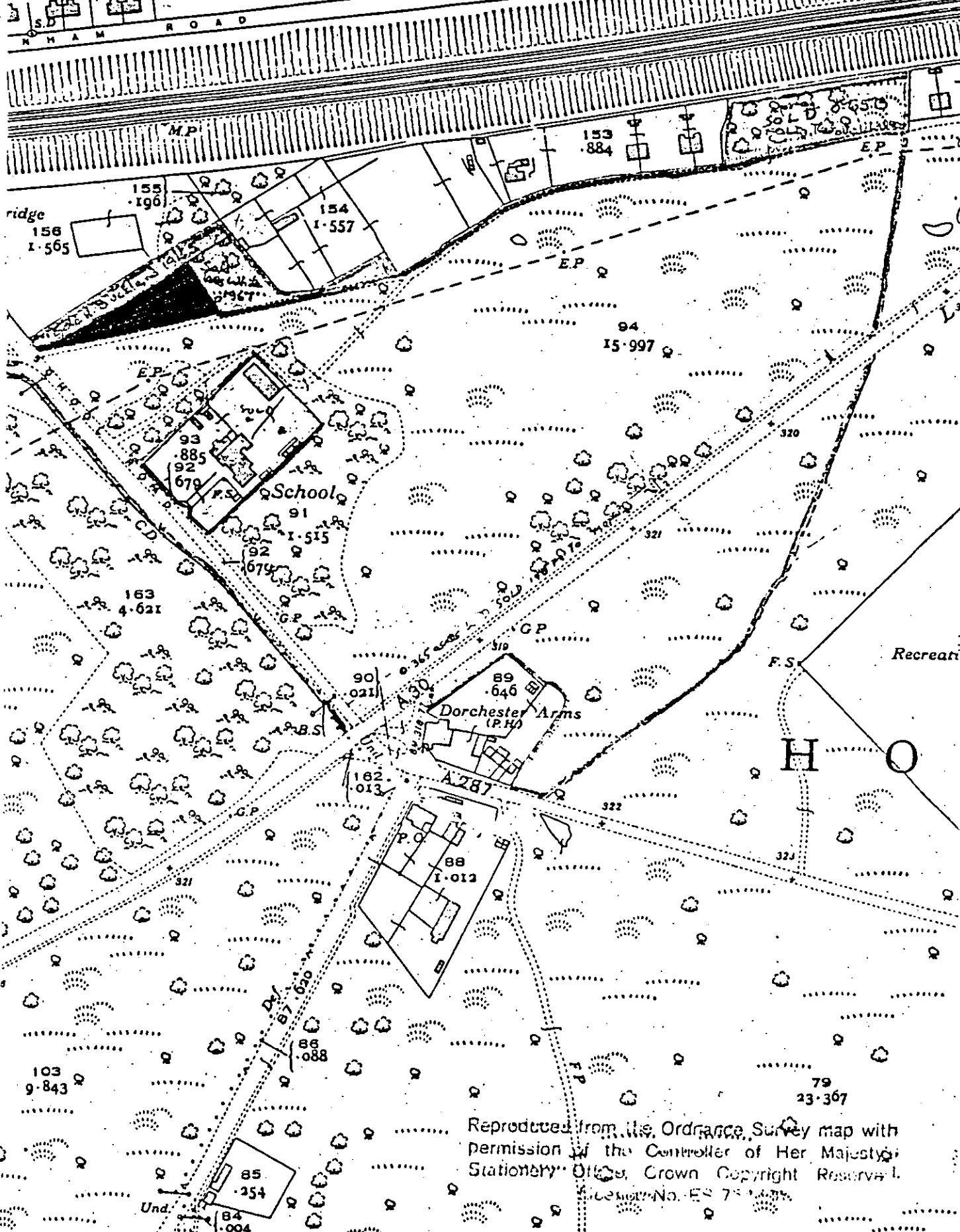
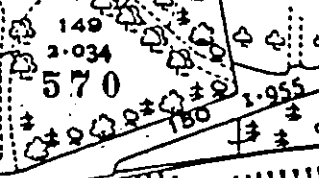
1985

L. J. Morris Smith

Commons Commissioner



SOUTHERN RAILWAY



Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office, Crown Copyright Reserved. (Sheet No. ES 75 14 75)