



COMMONS REGISTRATION ACT 1965

Reference No.14/U/51

In the Matter of Bentley Village Pond,
Broad Flood, Bentley, Hampshire.

DECISION

This reference relates to the question of the ownership of land known as Bentley Village Pond, Broad Flood, Bentley, being the land comprised in the Land Section of Register Unit No.VG 109 in the Register of Town or Village Greens 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 21st and 22nd May 1975.

At the hearing Mr G.C.Johnson, solicitor, appeared for the Bentley Parish Council.

The land the subject of the reference was set out as a public pond and watering place under the Inclosure Award, dated 12th March 1859, made under the Second Annual Inclosure Act 1851. The Award did not, however, allot the land to anyone, so it would remain in the ownership of the previous owner, presumably the Lord of the manor: see R. v. Inclosure Commissioners for England and Wales (1871), 23 L.T.778. Mr Johnson informed me that he had no evidence as to who is now the successor in title of the previous owner.

In these circumstances 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 Bentley 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 20th day of June 1975


Chief Commons Commissioner