



In the Matter of Hillside Common, Odiham
Hart D

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL1 in the Register of Common Land maintained by the 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 ("the unit land") or to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the unit land at Winchester on 29 January 1985. At the hearing Mr E Mason, Assistant County Secretary, represented Hampshire County Council, which claimed ownership of part of the unit land. No other claimant appeared.

The unit land consists of two distinct but contiguous sections; the County Council's claim was to the northern section. By a Conveyance dated 3rd December 1934 after reciting the acquisition by the Vendors from Sir Anthony Mildmay of certain Manors in the parish of Odiham, the Vendors (Francis J Ward and Percy T Gill) conveyed to the Southampton County Council the estate right title and interest of the Vendors in (inter alia) Hillside Common and other waste land of such Manors delineated on the plan attached. The northern section of the unit land is part of the area so delineated.

Hampshire County Council is the successor Authority to Southampton County Council and on the evidence I am satisfied that it is the owner of the northern section. As to the remainder of the unit land, in the absence of any evidence I am not satisfied as to the ownership. I shall accordingly direct the Hampshire County Council, as registration authority, to register itself as the owner of the northern section under section 8 (2) of the Act of 1965. The remaining part of the unit land 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

20th

day of

March

1985

H. J. Morris Smith

Commons Commissioner