



COMMONS REGISTRATION ACT 1965

Reference No. 214/U/80

In the Matter of part of Weston Common, Weston Patrick

DECISION

This reference relates to the question of the ownership of land known as part of Weston Common being the land comprised in the Land Section of Register Unit No. CL.318 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 Interworld Vehicles Plant and Marine (UK) Limited claimed to be the freehold owner of part of the land in question.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Winchester on 26th April 1990.

The hearing was attended by Mrs Rose of Hampshire County Council (the Registration Authority), Mrs P S Croll representing Mr Lionel Matthews, Chairman of Weston Corbett and Weston Patrick Parish Meeting and Mrs C F Davey of Stevens & Bolton, Solicitors of Alton representing Interworld Vehicles Plant & Marine (UK) Limited ("Interworld").

Weston Common comprising about 202 acres was provisionally registered as common land on 23rd February 1970 upon the application of Mrs E M Manning. On 31st July 1973 the registration was amended to comprise only about 34 acres. The registration became final at some date before 4th October 1977, modified so as to comprise only about 6 acres.

There are no entries in the Rights Section of the Register, and none in the Ownership Section. There was a previous ownership inquiry before Chief Commons Commissioner George Squibb held at Winchester on 27th October 1983. In his Decision dated 3rd November 1983 Mr Squibb said that Mrs Manning (the applicant for registration) appeared at the hearing, but was not claiming ownership. In the absence of any evidence he was not satisfied that any person was the owner of the land, and it therefore remained subject to protection under section 9 of the Act of 1965.

The Land Registry Search made by the County Council shows that the land is in a compulsory registration area, but is not registered under the Land Registration Acts. Mrs Davey told me that the area only became subject to compulsory registration in April 1989.

Mrs Davey on behalf of Interworld said that her clients had only discovered that part of their land was registered as common land when a prospective purchaser made a commons search. She produced to me the originals of two Conveyances:-

1. 2nd July 1968 between (1) Ronald Owen Booker and (2) John Charles Fryer and Michael Ivan Fryer.
2. 13th August 1973 between (1) John Charles Fryer and Michael Ivan Fryer and (2) Interworld.



The Conveyance of 1973 is now sufficiently old to constitute a good root of title, but the property comprised therein is described by reference to the two plans annexed to the 1968 Conveyance. The land conveyed by both Conveyances is identical, and is for purposes of identification edged red on the Plan No. 2. This land included a little less than half of the Register Unit, being the south-easterly part thereof.

I annex to this Decision an uncoloured photocopy of Plan No. 2 on the 1968 Conveyance on which I have marked the approximate boundaries of the Register Unit with a thick black line. I have divided this area into two with a similar line, and have marked the part comprised in the two Conveyances mentioned above with the letter "A".

Mrs Croll produced a letter dated April 25th from Mr Lionel J T Matthews, Chairman of the Parish Meeting of Weston Corbett and Weston Patrick. He stated that by reason of indisposition he was unable to be present at the hearing, and asked that Mrs Croll might be allowed to represent the Parish Meeting. I gave leave for her to do so.

Mrs Croll said that the Parish Meeting opposed any further encroachment on the common. I explained that the land was finally registered as common land, and that I was only concerned at that hearing with claims to ownership. My decision does not affect the status of the land as common land.

The matter has been advertised in the usual way, but no claimant has come forward to the remainder of the land comprised in this Register Unit.

On this evidence I am satisfied that Interworld Vehicles Plant & Marine (UK) Limited is the owner of the part of the land marked with the letter "A" on the plan annexed to this Decision. I shall accordingly direct the Hampshire County Council, as registration authority, to register Interworld as the owner of that part of the land under section 8(2) of the Act of 1965. The remainder of the 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

4th

day of

May

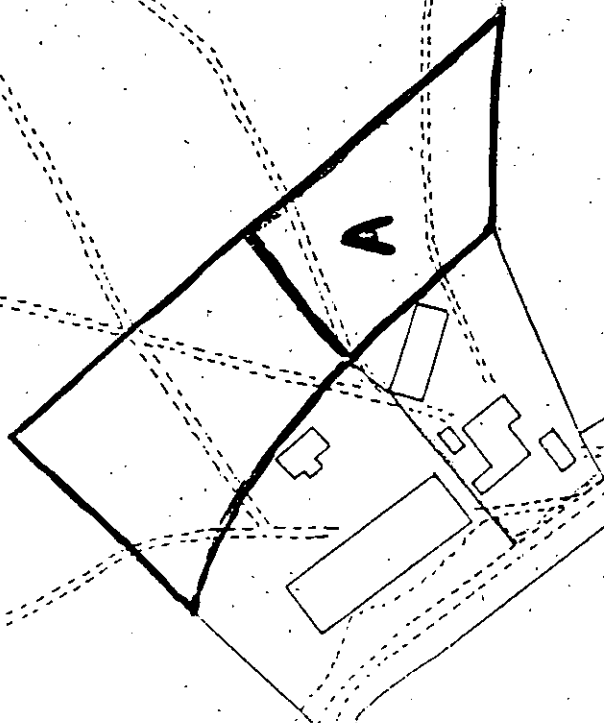
1990

Mari Rott

Commons Commissioner

PLAN NO. 2

CL 318



H. O. Anderson

St. Anthony

H. O. Anderson

Reference No: 214/V/80

This is the plan referred to in my
Decision dated 4th May 1990

Malcolm Roberts

Commons Commissioner