



In the Matter of The Gravel Pits (4.811 acres),
Kingsclere, Hampshire.

DECISION.

This reference relates to the question of the ownership of land known as The Gravel Pits (4.811 acres), Kingsclere, being the land comprised in the Land Section of Register Unit No. CL 89 in the Register of Common Land 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, but the Kingsclere Parish Council 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 22 February 1977.

At the hearing the Parish Council was represented by Mr W E D Smith, its Clerk, and Mr L J Draper, solicitor, appeared for Mr E G Cottrell and Mr N C Cottrell.

All but a very small portion of the land in question was the subject of a conveyance made 1 November 1923 between (1) William George Algar, Baron Bolton and Hon. Nigel Amyas Orde-Powlett (2) Lord Bolton (3) Lord Bolton and Frederick Adrian Catchcart (4) Hon. Edward Graves Mayne Gibson and Harrough John Wilson (5) Frank Pearce and Annie Pearce, his wife. This land then passed by divers mesne assignments until it was conveyed to Mr E G Cottrell by a conveyance made 11 April 1975 between (1) Jessie Elizabeth Pearce and Richard Frank Pearce (2) Ernest George Cottrell. By a conveyance made 2 April 1976 between (1) E G Cottrell (2) Norman Charles Cottrell (3) E G Cottrell and N C Cottrell the land was conveyed to Mr E G Cottrell and Mr N C Cottrell as tenants in common.

The remaining portion of the land was from about 1959 until 29 September 1976 let to agricultural tenants. The rents and profits were received by Mr Frank Pearce (who had acquired Mrs Annie Pearce's interest on 20 July 1939) and his successors in title to the major part of the land.

On this evidence I am satisfied that Mr E G Cottrell and Mr N C Cottrell are the owners of the land, and I shall accordingly direct the Hampshire County Council, as registration authority, to register them as the owner of the land under section 8(2) 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 26th day of June 1977

Chief Commons Commissioner