

JL

COMMONS REGISTRATION ACT 1965



Reference No. 214/U/63

In the Matter of The Old Chalk Pit, Longparish,
Hampshire

DECISION

This reference relates to the question of the ownership of land known as The Old Chalk Pit, Longparish, being the land comprised in the Land Section of Register Unit No. CL 137 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 the Longparish Parish Council claimed to be the freehold owner of the land in question and no other person 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 March 1984.

At the hearing the Longparish Parish Council was represented by Mrs M J Darrah, its Chairman.

By the Inclosure Award made on 17 October 1804 under the West Aston and Middleton Inclosure Act of 1802 (42 Geo. III, c. 25 (private)) the land in question was awarded as a public chalk pit to the Surveyors of Highways of the hamlets of West Aston and Middleton for amending and repairing the public and private roads and wastes within the said hamlets or tithings.

The land was transferred to the newly-formed Rural District Council by Sections 25(1) and 67(1) of the Local Government Act 1894. This Act, however, seems to have been ignored by both the Rural District Council and the equally newly-formed Longparish Parish Council, as is shown by numerous entries relating to the chalk pit in the Parish Council minute books. The Parish Council treated the chalk pit as if it were its own property and in 1940 went so far as to put a lock and chain on the gate. It does not seem to be necessary to recite all the minutes relating to the activities of the Parish Council in relation to the chalk pit. Suffice it to say that the Parish Council has been in uninterrupted possession of the chalk pit for many years without any adverse claim.

On this evidence I am satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Hampshire County Council, as registration authority, to register the Parish Council as the owner of the land under section 8(2) 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

6th

day of

April

1984


Chief Commons Commissioner