



COMMONS REGISTRATION ACT 1965

Reference No.14/U/2

In the Matter of Upham Village Pond.Upham, Hampshire.DECISION

This reference relates to the question of the ownership of land known as Upham Village Pond, Upham, being the land comprised in the Land Section of Register Unit No.V.G.2 in the Register of Town or Village Greens 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 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 14th December 1972.

At the hearing the Upham Parish Council was represented by Mrs. A. Judd, its Clerk.

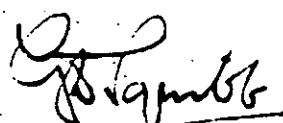
Mrs. Judd produced to me a completed draft conveyance dated 17th April 1963, whereby the Church Commissioners for England conveyed the land in question in this reference to the Parish Council. She also produced what purported to be a copy of a statutory declaration dated 22nd March 1963 by Mr. Donald Adolphus Collenette, Estates Secretary of the Church Commissioners, stating that the land in question was part of the waste of the Manor of Bishops Waltham, which formerly formed part of the Winchester Bishopric Estates and was vested in the Ecclesiastical Commissioners for England on 12th November 1869 by the Ecclesiastical Commissioners Act 1860.

Mrs. Judd informed me that she and the Parish Council's solicitors had searched for the originals of these documents and had been unable to find them. However, the existence and authenticity of the conveyance is confirmed by a certified copy of the counterpart sent by the Church Commissioners to the Clerk of the Commons Commissioners on 20th November 1972.

For these reasons I am satisfied that the Upham 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 11th day of January 1973


Chief Commons Commissioner