

Abstracting on attached MB1 and copy list of docs shows all title and affecting deeds etc.

Abstracting

14/7/70 orig conv 23⁴ = DIR⁵..
6/5/65 orig Conv 17 As to pt..
19/11/64 Orig Conv 15 As to pt..
25/10/62 Orig Assent/Conv 11 As to pt
See Stat Dec for edged green (Doc 10)..
21/4/61 Copy conv 8 pt of as to pt
29/9/28 Orig Conv 2 pt of as to pt
Lease 8/3/60 7 affects. See also surrender 19/4/84 which is a memo thereon.⁶

Among the ALR1s replies are the following:

A (i) (a) Where both sides of the river is in the title, we can inc the whole width of the river in the title;

...
B I will request an up-to-date- Stat Dec

E. Yes. Notices are required.

F. I will ask for a Stat Dec. Pse provide a corres plan & file copy.

3. On 6 December 2000 ALR1 wrote to the solicitors. His letter said:

- He identified certain parts of the land for which they had applied and said that they would be excluded from the registration as no title had been shown;
- Where land had been conveyed "for the seller's estate, right and interest only. The Registry does not accept that a conveyance so worded is effective to pass the legal estate unless there is evidence that the seller really did have a legal estate in the land" but
- "where the applicant owns land on both sides of rivers and roads, the whole width of the river bed and soil of the road will be included in the registration, but, as regards road, a verbal entry along the following lines will be made: "The roads and footpaths in this title are subject to public rights of way". The alternative would have been for us to serve notice on the local highway authority in respect of long lengths of road, with consequent further delay";
- Part of the land had been conveyed for the seller's estate, right and interest and evidence had been lodged in the form of a 1962 Statutory Declaration. He asked for an up-to-date declaration to be provided;
- Part of the land for which they had applied (identified on one of the plans to the letter) fell within the fenced extent but did not fall within any of the title deeds

⁴The number following the deeds refers to the numbered documents on the Form DL, a copy of which was annotated by the plans officer.

⁵ Deed Inducing Registration

⁶ The Conveyances referred to above were also highlighted on the annotated form DL as being the "Title Deeds".

(except the 1970 Conveyance) and no Statutory Declaration of any age had been lodged – if the solicitors wished the necessary wording could be included in the up-to-date declaration he had already asked for;

- *“As Broxhead Common, or at least part of it, forms part of your application, notice has been served on the County Council as registration authority under the Commons Registration Act 1965 in accordance with the established procedure. Once I have the Declaration/s requested above, and provided they are satisfactory, the mapping of your application can be completed fairly promptly, whereupon your application will be referred for executive examination, which may give rise to further requisitions.”*

4. It seems the solicitor at AJG became ill and the matter was taken over by a colleague. There was a long delay in providing a full response to ALR1’s letter and correspondence passed between AJG and Land Registry while the new solicitor familiarised herself with the case. In one of her letters dated 31 May 2001, she asked whether, *“with regard to Broxhead Common, please advise us as to whether you have received any communication from the Local Authority.”*

5. In his letter dated 4 June 2001, ALR1 replied to this point,

- *“The Registry has heard nothing back from the County Council about Boxhall [sic] Common, but we would not expect to. As I understand it, the procedure is a one-way notification by the Registry to the Council of the fact of the registration of the title to the land under the Land Registration Acts.”⁷*

6. Following further correspondence AJG provided a Statutory Declaration made by Mr MRP on 6 December 2001 who had been the Estate Manager since 1962. The Declaration deals with a number of the issues that had been raised in ALR1’s letters, but I shall refer only to those points which appear to relate to the ownership of two small parts of Broxhead Common. MRP said in the declaration:

- He referred to one of the Land Registry plans (attached to the Declaration) which showed two areas of land tinted blue both of which lay to the East of A325 and to the South East of the New Inn;
- He had been told and believed that both pieces of land were included in the application for first registration but that they did not fall within any of the title deeds which had been lodged;
- Apart from part of the land which formed part of Tollgate House, this land (the Blue Land) comprised part of Broxhead Common, which had been in the *“ownership of the Headley Estate for centuries as is evidenced by the estate records”*;
- The position had been looked into in the 1970s and had been the subject of court action because an application had been made under the Commons Registration Act 1965 to seek a declaration whether certain people had common rights over the Common (including the Blue Land);

⁷ I have not found any evidence in the files that Land Registry did in fact send any notification to Hampshire County Council.