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Commons Commissioner. A A Baden Fuller 26/3/ 1974

TB

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Commons Registration Act 1965

Ref Nos,214/D/9,214/D/10,214/D/11,214/D/12,214/D/13.

In the matter of Yateley Common in the parishes of Yateley,Eversley,Hawley, and Hartley Wintney, Hart D Hampshire.

Headed, Decision.

My decision(stating it effect shortly):- The whole of Yateley Common(including the part known as Blackbushe airport) was properly registered as common land.Of the 49 registrations of rights of common 21 were properly made, but the register should be altered so that their effect will be clearer to a person who is unacquainted with the local history and in some other minor respects. Of the remaining said 49 registrations, 2 were properly made in part only and should therefore be altered in a substantial respect. The remaining 25 registrations were not supported or sufficiently supported at the hearing, or were not(or should be treated as not having been) properly made, and should therefore be cancelled. The circumstances which were given rise to these proceedings, the facts which were admitted or proved at the hearing before me, my views on the points (very few, and for the most part of the hearing of minor importance) about which the oral evidence was in conflict, my views on the points of law which were argued before me.

Mr. Commissioner,A.A Baden Fuller Commons Commissioner

Commoners grazing and other rights were were accepted and recorded as per section 4(1) and 10 of the 1965 commons registration Act, which because as no owners could be traced were registered as section 9 :- section 9, where the registration under section 4 of this act of any land as common land has become final (section 10) but no person is registered under this act or the land registry registration Acts 1925 and 1936 as owners of the land, then, until the land is vested under any provision hereafter made by Parliament, any local authority in whose area the land or part of the land is situated may take such steps for the protection of the land against unlawful interference as could be taken by an owner in possession of the land, and may(without prejudice to any other power exercisable apart apart from this section) institute proceedings for any offence committed in respect of the land, but it is doubtful the authority could sue for damages since the section gives it no legal interest in the soil.

The 1965 commons registrations to protect no mans lands from becoming any mans lands, no documents were disclosed to show legal occupation/ownership of the above common lands, only oral claims were made.

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