

12th March, 1968.

Dear Sir,

Broxhead Common

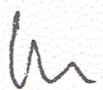
I thank you for your letter of the 21st February, and apologise for the delay in replying. As Mr. Beechey explained to Mr. Ellis when he saw him, there is provision in Section 194 of the Law of Property Act 1925 for an application to be made by the County Council or the District Council, by the Lord of the Manor or by any other person interested in a Common to apply to the County Court for the removal of any building or fence erected upon a Common or any other work constructed on a Common without consent as is required by the Section. An application to the County Court would of course have to be supported by evidence that the land in question was Common land and the best evidence of this is evidence of the existence of Rights of Common over the land. As Mr. Beechey explained to Mr. Ellis the Parish Council or other persons living locally are really in a much better position to provide evidence of Common Rights. Mr. Ellis did say that he thought that he would be able to let me have some information about people who could supply the necessary evidence.

Quite apart from this, the County Council feel that as far as the registration of Common Land under the Commons Registration Act 1965 is concerned, it is again the Parish Council or people who know the area intimately who are in the best position to formulate an application for registration. Mr. Ellis did tell Mr. Beechey that the Parish Council were contemplating registering Broxhead Common but to date no application has been received. The County Council have themselves decided to proceed with the registration of areas of Common Land shown in Doctor Tavener's Common Lands of Hampshire and it is therefore proposed to place on the Register an entry in the form of the draft enclosed with this letter, the land being shown by reference to the plan which is also enclosed. I should be grateful if you will let me know whether the Parish Council have any views on the details of the entry or on the boundaries shown on the plan which are taken from Doctor Tavener's book. There is some urgency in this matter because as you probably know the first period for registration ends on the 30th June and it is to everyone's advantage to obtain registration in that period as it means that the registration may become final sooner than if it is left until the second registration period. The County Council are not of course in a position to register individual Commoner's rights and as the existence of Common Rights will in the event of a contest be the best evidence that the land is Common Land, you may consider it desirable that the Parish Council should do everything they can to encourage persons claiming to have Common Rights to register them in accordance with the Act. Of course if such Rights are not registered by the end of the second registration period, then they will be lost forever. As far as the registration by individuals is concerned there is an additional advantage in doing this in the first registration period i.e. before the 30th June, because applications after that date will involve the payment of a £5 fee.

I look forward to hearing from you.

Yours faithfully,

J. McChoe, Esq.,
Clerk of the Headley Parish Council,
20, Church Fields,
Headley,
Bordon, Hants.


Clerk of the County Council.