



In the Matter of Abinger Hatch Green,
Abinger

DECISION

This reference relates to the question of the ownership of part of the land described above, being the part of the land comprised in the Land Section of Register Unit No. VG. 20 in the Register of Town or Village Greens maintained by the Surrey County Council of which no person is registered as owner under section 4 of the Commons Registration Act 1965 or under the Land Registration Acts.

Following upon the public notice of this reference the Rev. John Venus, Rector of Abinger, 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 Guildford on 12 March 1986.

At the hearing the Rector appeared in person, and there was no other claimant.

Ownership of the greater part of the Green is registered under the Land Registration Acts. There is a small area with no registered owner which is part of the graveyard of St. James, Abinger, and has been consecrated as such: it is the ownership of this area with which the inquiry is concerned.

By a Conveyance dated 19 June 1917 this area was conveyed by J H C Evelyn to the person or persons or corporation sole or aggregate in whom the churchyard of St. James Abinger was then vested. This, in my view, operated as a conveyance to the incumbent of the benefice in his capacity as a corporation sole.

I shall accordingly direct the Surrey County Council, as registration authority, to register the incumbent for the time being as the owner of the land in question 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 this decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 28th day of May 1986

L. J. Morris Smith
Commons Commissioner