



In the Matter of Banstead Heath,
Tadworth

DECISION

This reference relates to the question of the ownership of part of Banstead Heath, being the part of the land comprised in the Land Section of Register Unit No. CL.109 in the Register of Common Land 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 British Rail claimed to be the freehold owner of the land in question; 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 11 March 1986.

At the hearing British Rail was represented by Mr D Ransome, Solicitor in its Legal Department. No other claimant appeared.

The greater part of Banstead Heath has owners registered under the Land Registration Acts, and accordingly is not the subject of this inquiry. There is however one small area over the railway tunnel which is not so registered, and ownership of this area is now claimed by British Rail.

Mr Ransome produced a Conveyance made on 10 November 1900 between (1) Earl of Abingdon (2) Rev E Berties and others (3) South Eastern railway Company whereby the area was conveyed to the Railway Company. British Rail is now the successor to that company.

On this evidence I am satisfied that British Rail is the owner of the piece of land in question, and I shall accordingly direct the Surrey County Council, as registration authority, to register British Rail Property Board as the owner 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

28th

day of

May

1986

L. J. Morris Smith
Commons Commissioner