



In the Matter of Brookwood Lye,  
Woking, Surrey (No. 2)

DECISION

This dispute relates to the registration at Entry No. 1 in the Rights section of Register Unit No. CL 414 in the Register of Common Land maintained by the Surrey County Council and is occasioned by Objection No. 131 made by the former Woking Urban District Council and noted in the Register on 22 July 1970.

I held a hearing for the purpose of inquiring into the dispute at Guildford on 6 October 1977. The hearing was attended by Mr T R Salt, solicitor, on behalf of Mr and Mrs T A McLaurin, the applicants for the registration, and the Woking Borough Council was represented by Mr R A Payne, its Principal Legal Assistant.

There was no evidence to support the registration in so far as it related to rights of grazing and pannage, but in the circumstances set out in my decision in In the Matter of Brookwood Lye, Woking (No. 1), (1977) Ref. No. 236/D/148 Mr Payne accepted that rights of estovers and turbary had been acquired by prescription. He contended, however, that those rights were not rights of common. For the reasons given in that decision I did not accept Mr Payne's contention.

The right of turbary is not included in the registration, but it was included in the application, so I confirm the registration with the following modifications:- namely deletion of the words: "right to graze 1 Horse, 25 Geese and 25 Chicken. The right to pannage for 2 Pigs and 1 Litter together with the ", and the insertion after the word "estovers" of the words "and turbary".

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 4th day of Nov 1977

Chief Commons Commissioner