



In the Matter of Burnt Hill Woods, The
Bourne, Farnham Waverley D.

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL.68 in the Register of Common Land maintained by the Surrey County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice ^{of this reference.} Waverley District Council claimed to be the freehold owner of the land in question ("the unit land") 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 unit land at Guildford on 21 June 1983. At the hearing the District Council was represented by its Assistant Solicitor, Mrs. A Deacon, and there was no appearance by any other claimant.

The Unit land consists of two separate areas both of which were the subject of an Inclosure Award of 1860. By this Award the western area of the two was allotted to the Highway Surveyors of the parish of Farnham as Public Quarries for the supply of Stone and Gravel to repair roads and ways in the parish; and the eastern area was allotted to the vicar Churchwardens and Overseers of the parish for the purposes there mentioned. By virtue of subsequent legislation I understand that both areas became vested in Farnham Urban District Council of which, following the Local Government Act 1972, Waverley District Council is the successor authority. Miss L Lewson, an officer of Waverley District Council, told me that the Urban District Council and, since 1974, Waverley District Council, have managed both areas, which are used by the local people.

On the evidence I am satisfied that Waverley District Council is the owner of the land, and I shall accordingly direct the Surrey County Council, as registration authority, to register the District Council as the owner of the land 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 7th September 1983

L. J. Morris Smith
Commons Commissioner