

COMMONS REGISTRATION ACT 1965

Reference No. 236/U/99

In the Matter of Epsom Common (various parts)  
Epsom and Ewell Borough, Surrey

DECISION

This reference relates to the question of the ownership of ~~land~~ a number of pieces of land ("the Referred Pieces") which are some of, or parts of some of, the pieces known as (1) The Stew Pond, (2) Two pieces of land abutting Christ Church Road, (3) Stamford Green Pond, (4) Seven Ponds between the Wells Estate and Lewins Road, (5) A strip of land between the railway and Dorking Road, (6) A pond to the South of Dorking Road, and (7) Three Ponds adjacent to Wilmer Hatch Lane, and which are part of Epsom Common and which together are the land comprised in the Land Section of Register Unit No. CL453 in the Register of Common Land maintained by the Surrey County Council. Of the land ("the Unit Land") in this Register Unit, some of the, or part of some of the Referred Pieces are registered at HM Land Registry under the Land Registration Acts 1925 to 1966 under Title nos. SY203643 (south of Christ Church Road, between such Road and the Vicarage, and between Horton Lane and Chessington Road), SY465460 (south-west of Lane End, leading off Wheelers Lane) and SY869680, SY224211, SY100282, SY309162, SY227537 and SY383962 (all south-east of Lane End). The Referred Pieces are the pieces or part of the pieces which are not so registered and 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 Epsom and Ewell Borough Council claim to be the freehold owner of the land in question and no other person claim 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 7 November 1978. At the hearing Epsom and Ewell Borough Council were represented by Mr J P Flynn solicitor in their employee.

Mr Flynn in the course of his evidence, produced a conveyance dated 4 March 1936 by which Mr H L Strange and others conveyed on sale to Epsom and Ewell Urban District Council, first all those spaces or tracts of land known as Epsom Lower Common as edged green on the plan annexed and secondly, all those pieces of land covered by water and coloured blue on the said plan annexed. The

Referred Pieces are numerous and some of them are some distance apart from each other. Mr Flynn identified all of them with some part of the land by the 1936 conveyance expressed to be conveyed as being on the said plan either within the area edged green or part of that coloured blue. He said that these pieces with the rest of the land comprised in the 1936 conveyance are <sup>now</sup> administered and managed by the Borough Council under regulations made by an order of the Minister pursuant to section 193 of the Law of Property Act 1925.

On this evidence I am satisfied that the Borough Council as successors of the District Council are the owners of the Referred Pieces and I shall accordingly direct the Surrey County Council as registration authority, to register Epsom and Ewell Borough Council as the owners 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 28<sup>th</sup> day of November 1978.

*a. a. Baden Fuller*

Commons Commissioner