



COMMONS REGISTRATION ACT 1965

Reference Nos. 236/D/457-459

In the Matter of Land west of Watt's Hill,
Limpsfield, Tandridge D

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section and Entries Nos. 1-4 in the Rights Section of Register Unit No. CL 529 in the Register of Common Land maintained by the Surrey County Council and is occasioned by Objections Nos. 609 and No. 608 made by R H G Leveson-Gower and noted in the Register on 5 June 1972.

I held a hearing for the purpose of inquiring into the dispute at Oxted on 7 May 1981. The hearing was attended by Mr Green, Solicitor appearing on behalf of Mr Leveson-Gower, and by the applicants for registration in the Rights Section, Mr W Edwards (Entry No. 1), Mrs A H Edwards (Entry No. 2) and Miss E P Quigley (Entries Nos. 3 and 4). The registration in the Land Section was made in consequence of Mr Edwards's application to register rights.

The rights registered under Entries Nos. 1 to 4 are the Edwards rights and the Quigley rights which I have considered in the Decisions on CL 415 (Ref: 236/D/421-425) and CL 419 (Ref: 236/D/408-414). The evidence given by them respectively as regards CL 415 was equally applicable to this Unit land and for the reasons given in the Decisions referred to, I find that the rights registered are not established and I refuse to confirm the registrations.

It appears from the 1840 Tithe Map that this land was fenced and titheable, and there was no contention that it is waste land of a manor. In the absence of established rights I refuse to confirm the registration of the Land Section.

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 15 June 1981

L. J. Morris Smith

Commons Commissioner