



In the Matter of Pirbright Common,
Pirbright, Guildford District, Surrey

DECISION

This reference relates to the question of the ownership of the part ("the Referred Part") hereinafter defined as the land known as Pirbright Common, Pirbright, Guildford District being the land comprised in the Land Section of Register Unit No. VG98 in the Register of Town or Village Greens maintained by the Surrey County Council. The land ("the Unit Land") in this Register Unit is approximately square (its northwest boundary is an irregular line and its other boundaries are straight lines), being about $\frac{1}{4}$ of a mile across from southwest to northeast. Two comparatively small triangular areas within and near the southwest boundary are registered at HM Land Registry under Title Nos SY431947 and SY475605. Of all the remainder except a small rectangular area at the north corner, the Secretary of State for Defence is under section 4 of the Commons Registration Act 1965 registered as the owner. I define the Referred Part as meaning the said rectangular area (about 60 yards long from northwest to southeast and about 30 yards wide) and being the only part of the Unit Land which is not registered at HM Land Registry and of which no person is registered under the said section 4 as the owner.

Following upon the public notice of this reference, Commonwealth War Graves Commission claimed (letter of 3 September 1979) to be the freehold owner of the Referred Part, it being part of an area of land comprising 1.451 acres conveyed by HM Principal Secretary of State for the War Department on 20 October 1948. No other person claimed to be the freehold owner of the land in question or 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 28 November 1979. At the hearing (1) Pirbright Parish Council were represented by Mr S W Dabbs their chairman; and (2) Commonwealth War Graves Commission (a body corporate by Royal Charter) was represented by Mr G C Reddie, solicitor employed by them.

Mr Reddie in the course of his evidence produced the said conveyance of 20 October 1948 by which land containing about 1.451 acres was conveyed to the Commission (then and therein called The Imperial War Graves Commission). He explained that on the Referred Part there are now two bungalows used (a service occupancy) by the gardeners employed on the Commission's cemetery at Brookwood being the land to the east of the Unit Land.

There was some discussion as to the footpath along the southwest boundary of and outside the Referred Part and between it and the fence. As I read the map supplied to me, this footpath is included in the Ownership Section registration of the Secretary for State. I am not concerned with any rights which the Commission may have over this path.

From this evidence I am satisfied that the Commission is the owner of the Referred Part and I shall accordingly pursuant to section 8(2) of the Act of 1965 direct the Surrey County Council to register Commonwealth War Graves Commission of 2 Marlow Road, Maidenhead, Berkshire, SL6 7DX as the owners of the part of the land in this Register Unit which is not registered at HM Land Registry under the said Title Nos and of which no person is registered under the said section 4 as the owner.



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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 17th ——— day of December ——— 1979

A. A. Baden Fuller

Commons Commissioner