



In the Matter of Putterham Common, Putterham
Guildford B C

DECISION

This dispute relates to the registration at Entry No 1 in the Land Section and Entry No 1 in the Rights Section of Register Unit No. CL.191 in the Register of Common Land maintained by the Surrey County Council and is occasioned by Objection Nos 378 and 428 both made by Surrey County Council and noted in the Register on 15 October and 19 October 1970.

I held a hearing for the purpose of inquiring into the dispute at Guildford on 13 February 1979. The hearing was attended by Mrs P J Fishwick on behalf of the Surrey County Council and Miss N D Fox on behalf of Putterham Parish Council. The County Council claim that the land identified on the plan annexed to its objection was undisputed and I will therefore exclude that land from the Entry in the Land Section.

Mr J Bannister of Messrs. Mills Henderson and Co., appeared on behalf of Mr and Mrs Jemmett. They were not objectors but since the County Councils objection was, as it must be, to the whole of the Unit Land, Miss Fishwick, very properly took Mr Bannister under her wing and called Mr Bannister who produced a certified copy of his client's land certificate which disclosed that a few feet of their land has been, in my view, wrongly included in the registration. Miss Fishwick and Miss Fox agreed to the exclusion of Mr and Mrs Jemmetts land, it seems to me, having regard to the situation and dimension of the land, extremely unlikely that the rights applicant, who did not appear would wish to assert his rights, if any, over this small piece of land and I will therefore exclude it. If however, the rights applicant should wish to be heard on Mr and Mrs Jemmetts claim that their land is to be excluded I will reopen the hearing on this issue alone if so requested within six weeks of the date in which this decision is sent to him.

I therefore confirm the Entry in the Land Section modified so as to exclude the land identified on the plan annexed to objection No. 378 and that part of the Unit land which is comprised in Mr and Mrs Jemmetts land. Registered Title No. SY 462809 the plan of their title certificate being annexed to this decision.

I confirm the Entry in the Rights Section as applicable to the modified Entry in the Rights 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 this 12th day of March 1979 *E. A. Little*
Commons Commissioner.