



In the Matter of Royal Common, Peper Harow,
Waverley D

DECISION

This reference relates to the question of the ownership of land described above being the part of the land comprised in the Land Section of Register Unit No. CL 225 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 and which is not registered freehold under the Land Registration Acts.

Following upon the public notice of this reference Mr T B Baker 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 land in question at Guildford on 4 October 1983.

There was no appearance at the hearing by any claimant. The greater part of the Unit land is registered under the Land Registration Acts or has an owner registered under the 1965 Act. This inquiry is concerned only with ownership of the part not so registered, which consists of two very small pieces. It appears that Mr Baker decided not to pursue his claim.

Subsequently to the hearing a claim has been submitted by the Weyburn Engineering Co Ltd ("Weyburn"). This is to one of these pieces ("the northern piece") which lies at the northern tip of the Unit land. By a Conveyance dated 17 December 1935 a company having the same name as Weyburn but in liquidation and its liquidator conveyed to Weyburn land at Elstead, coloured blue on the attached plan marked "A". This land appears to include the northern piece, or some part thereof: the area claimed is identified by the claimant as being that part of the land coloured green on the attached plan marked "B" which lies within the road edging.

On this evidence I am satisfied that Weyburn is the owner of the part of the northern piece which falls within the land coloured blue on plan "A", and I shall direct the Surrey County Council as registration authority to register Weyburn (now named Weyburn-Bartel Ltd) as the owner under Section 8(2) of the Act of 1965. The remainder of the Unit land, unless registered freehold under the Land Registration Acts or the Act of 1965, will remain subject to protection under ^{ownership} section 9 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.

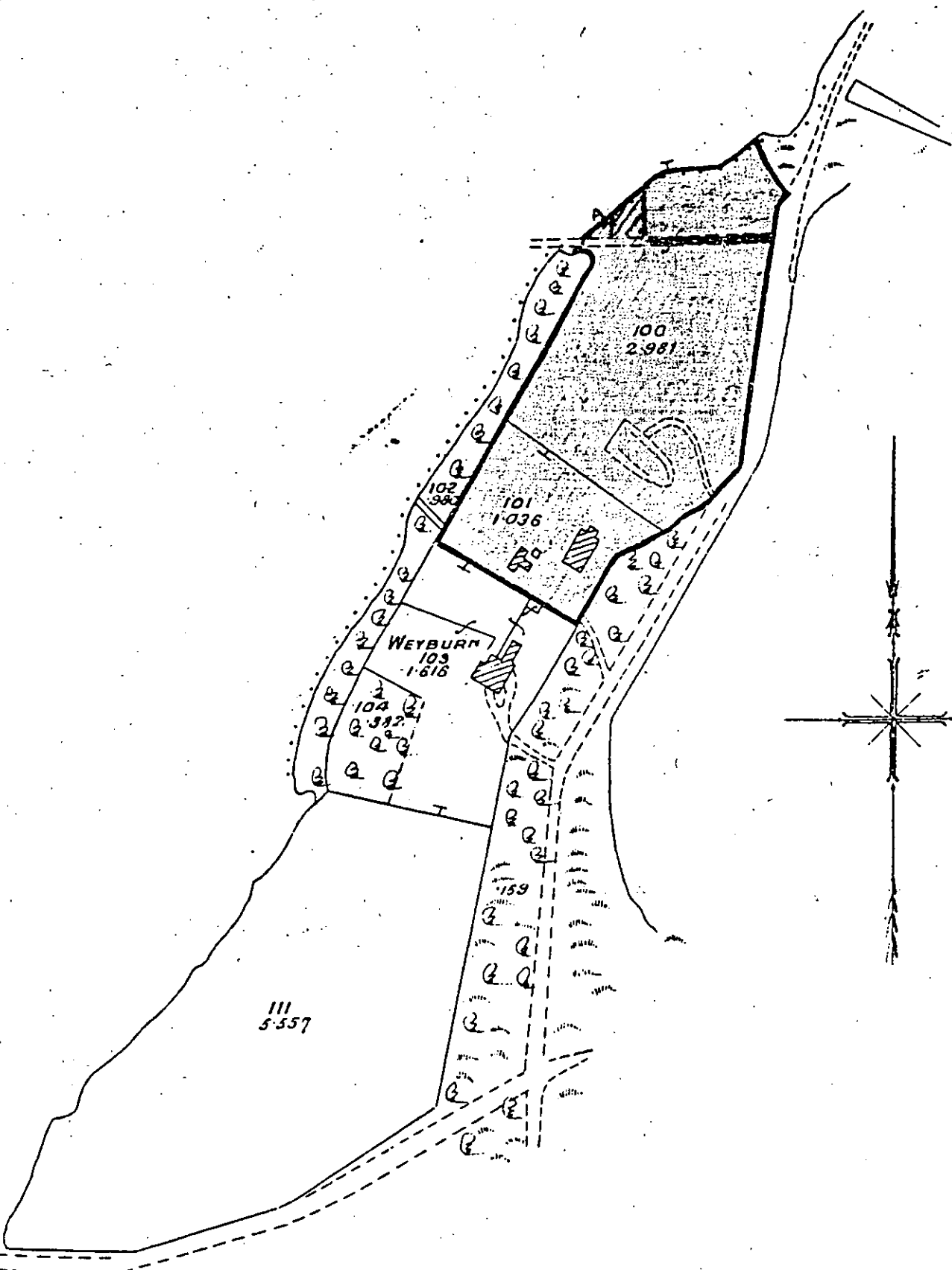
Dated

9 January

1984

L. J. Morris Smith

Commons Commissioner



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