



COMMONS REGISTRATION ACT 1965

Reference No, 236/D/544-549

In the Matter of Run Common, Shamley  
Green, Womersh

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DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and Entries Nos. 1 and 2 in the Rights Section of Register Unit No. CL 81 in the Register of Common Land maintained by the Surrey County Council. They are occasioned by two Objections to the registration in the Land Section, No. 47 by British Railways and No. 324 by Surrey County Council, noted in the Register on 17 March 1970 and 9 October 1970, and by two Objections to the registrations in the Rights Section, No. 294 by Hambledon RDC and No. 417 by Surrey County Council, noted in the Register on 7 October 1970, and 19 October 1970.

I held a hearing for the purpose of inquiring into the dispute at Guildford on 4 February 1981. At the hearing Surrey County Council was represented by Mr B E H Cotter, Solicitor: Waverley District Council (the successor to Hambledon RDC) by Mr R A Hart, Solicitor: and Mr and Mrs M W S Fleming (the applicants for registration at Entry No. 1 in the Rights Section) by Mr W Norris of the firm of Barlows, Solicitors.

The registration in the Land Section was made in consequence of the Rights application by Mr and Mrs Fleming and there was also an application to register in the Land Section by Hambledon RDC. The applicant for registration at Entry No. 2 in the Rights Section, Mrs E O Hamilton, was not present or represented at the hearing and I was told that she had sold her property and that the present owners were not interested. I shall accordingly refuse to confirm Entry No. 2.

Objection No. 47 relates to small areas stated in the Objection to be operational land of the railway and shown on the plan accompanying the Objection. Mr Cotter informed me that the County Council is successor to British Rail as owner of the areas. Objection No. 324 by the County Council relates to strips of land shown on the plan accompanying the Objection, which the County Council claims to be highway or highway verge.

It was agreed by all the parties attending that the land which is the subject of the two Objections, and also a further area forming the SW section of the Common and shown hatched blue on the plan which was produced, should be excluded from the registration and further that, subject to this exclusion, Entry No. 1 in the Rights Section should be confirmed. Accordingly I confirm the registration in the Land Section with those exclusions, and confirm the registration at Entry No. 1 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 23 March 1981

*L. J. Morris Smith*

Commons Commissioner