



In the Matter of Rushett Common, Rooks Hill,
Birtley Green, Bramley, 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 149 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 D J Compton claimed to be the freehold owner of parts of the land in question and no other person claimed to have information as to its ownership. The land in question has no owner entered in the Ownership Section, though other parts of the Unit land are registered under the Land Registration Acts.

I held a hearing for the purpose of inquiring into the question of the ownership of the land in question at Guildford on 23 June 1983.

At the hearing, Mr N Westlake, Solicitor, appeared for the claimant.

By a Conveyance on Sale dated 25 March 1983 Between (1) David A Compton and Elizabeth Bean (2) Douglas John Compton and Veronica Compton his wife, property ^{was conveyed to} known as Rooks Hill Farm. This property, as shown on the Conveyance plan, ^{Compton's} included two small strips (part of the land in question) on the western boundary of the A 281, on the other side of the road from Rooks Hill Farm. From the recitals in the Conveyance it appears that for some 19 years past Rooks Hill Farm has been in the tenancy of Douglas J Compton: the title is a very short one but in the absence of any other claim I think I should accept it in regard to the two strips, though presumably it will in due course be registered under the Land Registration Acts and the registered title will supersede the Commons Register.

On the evidence I am satisfied that Mr and Mrs D J Compton are the owners of the two pieces claimed and I shall accordingly direct the Surrey County Council, as registration authority, to register them as the owners under section 8(2) of the Act of 1965. As to the remainder of the land in question, I am not satisfied as to its ownership and it will therefore remain subject to protection under 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

20 September

1983

L. J. Harris Smith

Commons Commissioner