



In the Matter of Smithwood Common, Cranleigh
(part), Waverley D

DECISION

This reference relates to the question of the ownership of land known as Smithwood Common, Cranleigh (part), Waverley D being the land comprised in the Land Section of Register Unit No. CL 218 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.

Following upon the public notice of this reference the Trustees of the late Lord Tangley's Will Trusts claimed to be the freehold owners of part of the land in question.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Guildford on 17 October 1979. Mr C Wells of Messrs Waltons and Morse, appeared for the Trustees and Mr Rumsey appeared for Waverley DC.

The Earl of Halifax is finally registered as the owner of part of the land in question and the Waverley DC now owns another part of the land which was acquired by its predecessor from the late Lord Tangley and has a registered title SY401119 to that land.

Mr Wells claimed the ownership of the remainder of the land in question under a title identical with the title to the land comprised in Unit CL 84, but it emerged at the hearing that there was a registered title to that land.

Subsequent to the hearing Mr Wells has confirmed to me in writing that his client Trustees do not claim any of the land and therefore unregistered land, if any, will be 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 this

2 November

day of

November

1979

Commons Commissioner