

COMMONS REGISTRATION ACT 1965

Reference No. 236/U/91

In the Matter of St Martha's Common (part)
Guildford Borough, Surrey

DECISION

This reference relates to the question of the ownership of land ("the Referred Land") which is part of that known as St Martha's Common, Guildford Borough and which is part of the land comprised in the Land Section of Register Unit No. CL412 in the Register of Common Land maintained by the Surrey County Council. The land ("the Unit Land") in this Register Unit comprises (according to the Register) 10.915 hectares (27.971 acres); it is east of Halfpenny Lane and south and south-west of Tyting Farm; the Pilgrims Way crosses it just within the south boundary. A comparatively very narrow strip just within such a boundary is part of the land registered at HM Land Registry under the Land Registration Acts 1925 to 1966 under Title no. SY206242. The Referred Land is the remainder of the Unit Land, and of it no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference Surrey County Council said (letter of 4 May 1978) that the Land is managed by the County Council under an access agreement and that the owners are the Aubrey Estate. No person claimed to be the freehold owner of the land in question 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 at Guildford on 6 November 1978. There was no appearance at the hearing.

In the absence of any evidence I am not satisfied that any person is the owner of the Referred Land 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 of 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 *28th* day of *November* 1978.

a. a. Baden Fuller

Commons Commissioner