



In the Matter of Ticknors Heath and Lokers
Green, Alfold and Dunsfold, Waverley D

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL 187 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 Waverley District Council 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 Unit land at Guildford on 4 October 1983.

At the hearing, Miss A Deacon, Assistant Solicitor of the District Council, appeared on its behalf, and there was no other claimant.

The part of the Unit land lying to the north of Sedghurst Wood is included in the areas regulated pursuant to a Scheme of 1951 made under the Commons Act 1899. Over this part the District Council has exercised the management powers conferred by the Scheme: Miss Deacon told me that the Council has in places in the remainder of the Unit land looked after hedges and ditches and taken steps to protect the land against gipsies. It appears to me that the Council's activities are attributable partly to the exercise of its powers under the Scheme and partly to its entirely proper wish to protect the amenities in the public interest, and accordingly are not evidence of ownership. In the result I am not satisfied that the District Council or any other person is the owner of the Unit 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 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 15 November 1983

L. J. Morris Smith

Commons Commissioner