



COMMONS REGISTRATION ACT 1965

Reference No. 236/U/195

In the Matter of Winterfold Heath and
Land at the Warren, Womersley and Cranleigh

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.216 in the Register of Common Land maintained by the Surrey County Council of which no person is registered as owner under section 4 of the Commons Registration Act 1965 or the Land Registration Acts.

Following upon the public notice of this reference Mr D Mico claimed to be the freehold owner of a part 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 29 November 1983. At the hearing Mr Mico appeared in person.

The main area of Winterfold Heath has ownership registered under the act of 1965 and a small area on the western edge is registered freehold under the Land Registration Acts. This enquiry is not concerned with either of ~~both~~ ^{these} areas, but with the remaining parts, ~~one~~ of which ("the claimed part") adjoining the main area at its S E ~~side~~ ^{corner}, is claimed by Mr Mico. There was no claimant to the other ~~two~~ remaining parts.

By a Conveyance on sale dated 21 November 1956 Mrs Ann Stokes conveyed to Mr Mico property known as Hurtwood House and (thirdly) all and singular the rights of the lord of the manor of Shere Vachery and Cranleigh, including the right to cut remove and sell timber, over the claimed land, which adjoins the Hurtwood House property. The conveyance recited the vendor's seisin of the property conveyed in fee simple, and referred to a declaration relating to the claimed land applying section 193 of the Law of Property Act 1925 and made by R C Allen on 22 June 1927. Prior to the declaration, a conveyance of 2 December 1926 by R A Bray had conveyed to R C Allen all and singular the rights of the vendor as lord of the manor over the claimed land, and the declaration was no doubt made by him as "the lord of the manor or other person entitled to the soil" of the claimed land. I have not seen any evidence of the devolution of the title to Mrs Ann Stokes, but, in the absence of any other claim, I think the evidence adduced is sufficient to establish Mr Mico's ownership.

I shall accordingly direct the Surrey County Council, as registration authority, to register Mr D Mico as the owner of the claimed land under section 8 (2) of the Act of 1965. The ~~two~~ remaining parts of which there is no owner registered and to which there is no claimant will remain subject to protection under section 9 of the Act.



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 7th day of February 1984

L. J. Morris Smith
Commons Commissioner

Copyplan to Conveyance dated 21st November 1956 and made between Mrs. Ann Stokes of the one part and David Mico, Esq. of the other part.

