



COMMONS REGISTRATION ACT 1965

Reference No. 236/U/143

In the Matter of Abinger Common (part) and
Wotton Common (part), Abinger and Wotton, Surrey

DECISION

This reference relates to the question of the ownership of land known as Abinger Common (part) and Wotton Common (part), Abinger and Wotton, being the land comprised in the Land Section of Register Unit No. CL 497 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 National Trust and Mr J P M H Evelyn claimed to be the freehold owners of parts 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 13 December 1979.

At the hearing the National Trust was represented by Mr D J Carter, one of its members.

A part of the land in question on Leith Hill containing 5a.0r.10p. or thereabouts together with the tower erected thereon, known as Leith Hill Tower, was conveyed to the National Trust by an indenture made 5 October 1923 between (1) Arthur O'Neill Cubitt Chichester, Walter Augustus Chapman and the Hon. Godfrey Walter Phillimore (2) Wilfred James Macandrew (3) The National Trust for Places of Historic Interest and Natural Beauty.

On this evidence I am satisfied that the National Trust is the owner of the land, the subject of the Indenture of 5 October 1923. I shall accordingly direct the Surrey County Council, as registration authority, to register the National Trust as the owner of that land under section 8(2) of the Act of 1965. In the absence of any evidence regarding the ownership of the remainder of the land the subject of the reference, it will 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 this

25th

day of

January

1980

Chief Commons Commissioner