



COMMONS REGISTRATION ACT 1965

Reference No 236/U/96

In the Matter of Banstead Downs,  
Reigate and Banstead Borough, Surrey

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DECISION

This reference relates to the question of the ownership of part ("the Referred Part") of the land ("the Unit Land") which is known as Banstead Downs, Reigate and Banstead Borough and which is the land comprised in the Land Section of Register Unit No CL. 108 in the Register of Common Land maintained by the Surrey County Council. The Referred Part means the part of the Unit Land which is not registered at HM Land Registry under the Land Registration Acts 1925 to 1966 and 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 no person claimed to be the freehold owner of the Referred Part and no 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 22 May 1978. At the hearing Reigate and Banstead-Borough Council were represented by Mr P D C Brown, solicitor in their employ.

In 1968 the Unit Land was nearly all in the Urban District of Banstead, but a comparatively very small part (the remainder) at the north end was in the London Borough of Sutton. Surrey County Council are the registration authority under the 1965 Act in respect of all the Unit Land, an agreement having been made to this purpose under subsection (2) of section 2 of the Act.

The Unit Land comprises (according to the Register) 167.171 hectares (413 acres) on either side of the Sutton-Reigate road (A217), and for the most part south of Belmont and north of Banstead. Nearly all of it is comprised in the Land Registry Title No SY 227053; three small parts of it together making up a triangular area near the middle of the east side (just south of Banstead Hospital) are comprised in Land Registry Title Nos SY 46338 (?SY 43663), SY 384859 and SY 428836; and a small strip north of Banstead Station (possibly within the Unit Land) is comprised in Land Registry Title No SY 435885. The Referred Part, being the only part of the Unit Land not in any Land Registry Title, comprises two narrow strips at the north end of the Unit Land on either side of the said A217 road just north of its junction with Belmont Rise.

Mr Brown produced the Land Certificate for Title No 227053, showing the ownership of Reigate and Borough Council (as successors of Banstead Urban District Council) and said that as regards the Referred Part his Council could offer no evidence of ownership. Accordingly in the absence of any evidence I am not satisfied that any person is the owner of the Referred Part 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 this 1<sup>st</sup> day of June — 1978

*a. a. B. C. J. L. L.*

Commons Commissioner