



COMMONS REGISTRATION ACT 1965

Reference No. 236/D/490-491

In the Matter of Blackheath Common,
Wonersh, Waverley D

DECISION

These disputes relate to the registrations at Entries Nos. 1 to 6 and No. 8 in the Rights Section of Register Unit No. CL 7 in the Register of Common Land maintained by the Surrey County Council and are occasioned by Objections No. 403 made by Surrey County Council and No. 292 made by Hambledon RDC, noted respectively in the Register on 19 October 1970 and 7 October 1970.

I held a hearing for the purpose of inquiring into the disputes at Guildford on 3 February 1981. At the hearing Surrey County Council was represented by Mr D C Rice: Waverley District Council (successor to Hambledon RDC) by Mr R Hart, Solicitor: and Mr D E Webster, Solicitor, appeared on behalf of the Executors of the late Lord Tangley. Several of the applicants for registration in the Rights Section or their successors attended, as appears below.

The part of Blackheath Common which is comprised in this Register Unit ("the Unit land") adjoins on the west and east another part of the Common which is comprised in Register Unit No. CL 179, the whole forming one undivided area. Following a hearing on 21 March 1980 into disputes occasioned by Objections by Hambledon RDC and Surrey County Council, the Entries Nos. 1, 2 and 3 in the Rights Section of CL 179 were confirmed by the Chief Commissioner. These correspond to Entries 3, 4 and 5 in the Rights Section of this Register Unit CL 7, and it was agreed at the hearing before me that those Entries should, correspondingly, be confirmed; and I confirm their registration accordingly.

Entry No. 6 was made on the application of Mrs C P Pike, who was not present or represented at the hearing. A corresponding Entry made on her application in CL 179 was not confirmed, and in the absence of evidence to support the right claimed I refuse to confirm the registration.

Entry No. 1 was made on the application of Mrs S F Maidlow, who was represented at the hearing by Mr C L Burne. The right claimed is of common of pasture and of estovers. Mr Burne told me that he did not think that the applicant had grazed animals but might have taken firewood. The Objections were withdrawn in regard to estovers, and I confirm the registration modified by deleting the right of common of pasture.

Entry No. 2 was made on the application of Colonel. G W I Shipp, who was represented at the hearing by Mrs Shipp. It was agreed that the Entry should be confirmed subject to the deletion of the right of turbary, and I confirm the registration modified by deleting that right.



- 2 -

Entry No. 8 was made on the application of Mr G S Gammell, whose successor in title Colonel R Hume was present and did not seek to maintain the right, which largely duplicates Entry No. 3. Accordingly I refuse to confirm the registration at Entry No. 8.

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 23 March 1981

L. J. Morris Smith

Commons Commissioner