



COMMONS REGISTRATION ACT 1965

Reference No. 236/D/251

In the Matter of Clasford Common,
Worplesdon, Surrey

DECISION

This dispute relates to the registration at Entry No 1 in the Land Section of Register Unit No.CL.351 in the Register of Common Land maintained by the Surrey County Council and is occasioned by Objection No.632 made by the former Surrey County Council, and noted in the Register on 1 August 1972.

Mr Commissioner Settle, Q C., held a hearing for the purpose of inquiring into the dispute at Guildford on 19 October 1979. The hearing was attended by Mr P W Pilgrem, an officer of the Guildford Borough Council, the successor authority of the former Guildford Rural District Council, the applicant for the registration, and by Mr B A H Cotter, Solicitor, on behalf of the Surrey County Council.

The Objection relates only to a narrow strip of land, which is claimed to be part of a highway.

The learned Commissioner adjourned the hearing on the footing that a consent order would be applied for within one month, failing which he would confirm the registration without prejudice to the County Council's claim that the land the subject of the Objection forms part of the highway.

The learned Commissioner was killed in a road accident without having given his decision. I hereby direct in pursuance of regulation 29 of the Commons Commissioners Regulations 1971 that the proceedings should be continued by myself.

In a letter dated 11 December 1979 addressed to the Clerk of the Commons Commissioners the Clerk and Chief Executive of the County Council stated that the extent of the highway verge which should be removed from the Register unit had not been agreed, leaving it to the Commissioner to make his decision that the whole of the Register Unit should be confirmed on the understanding that this will be subject to S.22 of the Commons Registration Act 1965, which provides that the highway land is outside the definition of "common land". This was agreed by a letter dated 19 December 1979 addressed to the Clerk of the Commons Commissioners by the Clerk and Solicitor of the Borough Council.

In these circumstances I confirm the registration.

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