



COMMONS REGISTRATION ACT 1965

Reference No. 236/3/4

In the Matter of Cricket Ground,
Holmbury St Mary, Shere, Guildford
Borough, Surrey

DECISION

This reference relates to the question of the ownership of land known as Cricket Ground, Holmbury St Mary, Shere, Guildford Borough being the land comprised in the Land Section of Register Unit No. VG.109 in the Register of Town or Village Greens 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 Shere Parish Council in a letter dated 1 June 1975 said that the land in question is owned by Bray Settled Estates as part of the Hurtwood Common, and this was confirmed in a letter dated 6 June 1975 from the Agents of the Estate. No other person claimed to be the freehold owner of the land or 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 24 February 1976. At the hearing (1) Mrs Handa Bray was represented by Miss J Metson solicitor of Metson Cross & Co Solicitors of Cobham, and (2) Holmbury St Mary Cricket Club were represented by Mr W F Waters their chairman.

Miss Metson in the course of her evidence produced: (1) a vesting assent dated 8 March 1951 by which the personal representatives of Mr A Bray (he died 31 July 1951) assented to the vesting in Sir Jocelyn Bray of the freehold properties comprised in (among other instruments) a vesting deed dated 9 June 1926; (2) the said 1926 vesting deed, Schedule XXII of which comprises Holmbury Common, Waste of the Manor containing 391.329 acres; (3) a trust instrument dated 27 January 1962 and made by Sir Jocelyn Bray and others; and (4) probate of his will (he died 12 February 1964); and (5) a vesting assent dated 20 May 1969 by his personal representatives vesting in Mrs Handa Bray (then and therein called Handa Bray Moffat) of over 2000 acres of lands including Holmbury Common containing 380.485 acres. It appears from the plan attached to the 1969 assent that the land comprised in this Register Unit is included in the lands in the documents so produced ~~called~~ called Holmbury Common.

Mr Waters said (in effect):- The Village have used this part of the Common for the playing of games for at least the last 70 years. He acknowledged the encouragement and willing cooperation of the Lord of the Manor and of the Hurtwood Common Control Committee.

On the documents produced by Miss Metson I am satisfied that Mrs Bray is the owner of the land, and I shall accordingly direct the Surrey County Council, as registration authority, to register Mrs Handa Bray of The Manor House, Shere as the owner of the land under section 8(2) 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 3rd day of March — 1976

a. a. Bacon Fuller

Commons Commissioner