



In the Matter of Ellen's Green Common, Eghurst
Waverley D

DECISION

This reference relates to the question of the ownership of land described above being the part of the land comprised in the Land Section of Register Unit No. CL.135 in the Register of Common Land maintained by the Surrey County Council of which no person is registered as owner under section 4 of the Commons Registration Act 1965, or the Land Registration Acts.

Following upon the public notice of this reference Waverley District Council claimed to be the freehold owner 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 4 October 1985. At the hearing, Miss A. Beacon, Assistant Solicitor, of the District Council, appeared on its behalf and there was no other claimant.

Parts of the land comprised in this unit are registered under the Land Registration Acts and this inquiry does not relate to such parts: some were so registered in 1967 by the District Council. The area not registered under those Acts is managed by the District Council under a Scheme made in 1951 under the Commons Act 1899. As I see it, the Acts of management are carried out in exercise of powers conferred by the Scheme and are not to be attributed to ownership.

In the evidence I am not satisfied that any person is the owner of the area in question, which 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.

15 November

1985

L. J. Morris Smith

Commons Commissioner