



In the Matter of Frensham Common, Frensham,
Waverley

DECISION

This reference relates to the question of the ownership of part of the land described above being the ~~part of the~~ land comprised in the Land Section of Register Unit No. CL.232 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 under the Land Registration Acts. The part without a registered owner ("the land in question") is a small strip or strips on the western boundary of Frensham Great Pond.

Following upon the public notice of this reference the National Trust 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 in question at Guildford on 16 January 1985, at which the National Trust was represented by Mrs G A Shipp; there was no appearance by any other claimant.

Mrs Shipp produced a Conveyance dated 23 December 1943 by which Allnatt Limited sold and conveyed to the National Trust land including Frensham Great Pond, described and delineated on a plan. It is not clear that the land so identified in the Conveyance included the land in question, but the Conveyance also included the Vendors' interest in the adjoining Manorial roadside waste lands, and it appears that the land in question was such waste land. I understand that a section of the land in question is highway which accordingly, under the definition in S.22 (i) of the Act of 1965, is not common land, and ownership of this section is not claimed by the National Trust.

On the evidence I am satisfied that the National Trust is the owner of the land, in question (other than the highway section), and I shall direct the Surrey County Council, as registration authority, to register the National Trust as such owner under section 8 (2) of the Act of 1965. The highway section will 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

27th

day of

February

1985

L. J. Morris Smith

Commons Commissioner