



In the Matter of land in Gomshall
Village, Shere, Guildford District,
Surrey

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL201 in the Register of Common Land maintained by the Surrey County Council and is occasioned by Objection No. 367 made by the said Council and noted in the Register on 15 October 1970.

I held a hearing for the purpose of inquiring into the dispute at Guildford on 27 November 1979. At the hearing Surrey County Council were represented by Mr B Cotter a principal solicitor with the Council; and Mrs Handa Bray of High House, Shere was represented by Mr J C Burgess articled clerk with Bolton & Lowe, Solicitors of London.

The Land ("the Unit Land") in this Register Unit comprises 4 pieces being (a) land outside King John House, (b) land in Queen Street, (c) land outside The Elms and (d) part of the car park of the Compasses Inn. The registration was made on the application of Mr John Douglas Kerr "as surviving personal representative of the late Sir Jocelyn Bray tenant for life of the Bray Settled Estates". In the Ownership Section Mr J D Kerr as such personal representative is registered as owner of all the Unit Land. The grounds of Objection are: "That at the time of registration the land was not Common Land".

Mr Burgess said (in effect):- Sir Jocelyn Bray died on 12 February 1964. Mr J D Kerr who as one of his executors proved his will on 2 November 1964, has since died. The Bray Settled Estates are now vested in Mrs Bray.

Mr Cotter said that the County Council wished to maintain the Objection so far only as it related to pieces (a), (b) and (c), the County Engineer being of the opinion that they are all thrown into and incorporated into the highway. Mr Burgess was agreeable to the said pieces (a), (b) and (c) being removed from the register although he could not on behalf of Mrs Bray agree that they were all highway; one of them at least was a car park area used in connection with a nearby works.

It appearing that Mr Cotter and Mr Burgess were agreed that the pieces (a), (b) and (c) should be removed from the Register, I can, without ~~bringing~~ any decision or expressing any opinion as to whether these pieces are or are not highway, give effect to such agreement; so I confirm the registration with the modification that there be removed from the Register the pieces therein lettered (a), (b) and (c) and with all such other consequential modifications as result in the only land in this Register Unit being the piece consisting of part of the car park of the Compasses Inn.

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 17th — day of December 1979

a. a. Baden Fuller

Commons Commissioner