



COMMONS REGISTRATION ACT 1965

Reference No 236/U/52

In the Matter of land part of Broadmead
to the south of and near Broadmead Bridge,
Send, Guildford Borough, Surrey

DECISION

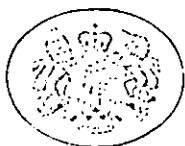
This reference relates to the question of the ownership of land part of Broadmead to the south of and near Broadmead Bridge, Send, Guildford Borough, being the land comprised in the Land Section of Register Unit No CL. 368 in the Register of Common Land maintained by the Surrey County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference Miss M I Bayliss suggested that Mr Guy Reed might be the owner, and Mr G Reed on being approached claimed ownership. 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 13 January 1977. The hearing was attended by Miss Bayliss and Mr Reed in person.

The land ("the Unit Land") comprised in this Register Unit is bounded on the north by the River Wey and according to the Register comprises 0.656 hectares (1.621 acres). On the Register map (6" = 1 mile) it is so small that it is difficult to locate it more precisely than as being at the northwest corner of Broadmead near to (but not adjoining) the road which runs from Old Woking across Broadmead Bridge (Miss Bayliss wrote that years ago it was known as Harts Bridge) to Cartbridge and Send. However I have been supplied by the registration authority with a map (1/2500) which shows the Unit Land as comprising all OS 681 containing 1.711 acres except a small strip (containing I suppose 0.09 acres) which adjoins the River and the Road. The registration was made in consequence of a registration made in the Rights Section on the application of Mr J Oliver to register a right attached to Send Hill Farm and Cricket Hill Farm to graze 1 horse, 2 beasts and 5 sheep per acre from 15 August to 1 January following over the Unit Land and also (as appears from the copy of his application sent to me by the registration authority) other land on the east now comprised in Register Unit Nos CL. 54 and CL. 369.

Before the hearing, Mr Reed wrote to the Clerk of the Commons Commissioners saying (among other things): "It seems strange that in England one can for no apparent reason, suddenly be summoned to appear somewhere about the ownership of a property one has owned and operated for twenty-five years". I understood at the hearing that his contentions were first that I should not consider ownership at all (the whole proceedings being misconceived and unnecessary) and secondly that I should



(only if I was obliged to consider ownership) conclude from the title deeds produced that he is now and has been for the last 25 years the owner.

As to Mr Reed's first contention:-

I have a letter dated 23 December 1976 from Barlows, Solicitors of Guildford to the Clerk of the Commons Commissioners: they write on behalf of Mr J Oliver saying (in effect) that the Unit Land was included in a map attached to their client's application for registration in error, it having been fully developed for many years and being completely occupied by 6 permanent dwellings and other buildings with commercial use and also by a mushroom farm, and that in these circumstances they were instructed to withdraw the Unit Land from their client's application for registration.

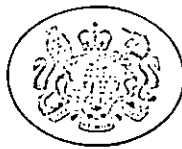
By section 8 of the 1965 Act, a Commons Commissioner is required on a reference made to him by a Registration Authority to inquire into the ownership of any land which has been registered under the Act and of which no person has been registered as owner. These present proceedings are under such a reference. The Unit Land was apparently regularly registered under the Act, and such registration being undisputed became final on 1 August 1972. I, as a Commons Commissioner, have no jurisdiction under the Act either on this or on any other reference to avoid any registration which has become final. So if Mr Oliver's registration was mistaken or if Mr Reed has suffered as a result of it (he told me that a would-be purchaser from him had withdrawn from a transaction owing to the uncertainty of the situation) any questions there may be between them must be resolved in other proceedings.

For the above reasons I consider that I am obliged on this reference in these proceedings to consider the ownership of the Unit Land.

As to Mr Reed's second contention:-

He produced to me (1) a conveyance dated 9 June 1951 by which Miss H E Lambson conveyed to him (Mr Reed) land at Send comprising OS No 681 containing 1.711 acres as coloured on the plan; (2) an agreement dated 11 April 1951 pursuant to which such conveyance was made; (3) an examined abstract dated 1951 of the title of the personal representatives of C H B H Lambson beginning with a will dated 12 October 1895; and (4) a duplicate deed of grant dated 31 July 1959 by himself (Mr Reed) to Woking & District Water Company of an easement to lay a main across part of OS No 681 (a part outside the Unit Land) and (5) various other documents relating to his property which had been kept with the documents of title.

The land coloured pink on the 1951 conveyance comprises the Unit Land and the said strip which forms part of OS 681 and is between the Unit Land and the road. Mr Reed said that he used this land as a mushroom farm; that it is covered with buildings which have been there a great many years including 2 dwelling houses which are somewhere near the middle of the Unit Land; the people who live in the dwelling houses are people who operate on the farm.



Mr Bayliss produced 2 indentures dated 24 December 1901 and 25 March 1902 and an assent dated 11 August 1962. These related to OS No 650 which is south of the Unit Land.

In my opinion the deeds produced by Miss Bayliss do not relate to the Unit Land. It may be that Miss Bayliss by reason of her ownership of OS 650 may be concerned in some other proceedings under the 1965 Act, possibly those relating to Register Unit No CL. 54; in my opinion she rightly concluded at the hearing before me that she was in no way concerned with Register Unit No CL. 368. Upon the documents produced by Mr Reed and on the information given by him to me, I am satisfied that he is the owner of the Unit Land, and I shall accordingly direct the Surrey County Council as registration authority to register Mr Guy Reed of the Old Cottage, Woking Village, Surrey 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 20th — day of January — 1977

A. A. Bowen Fuller

Commons Commissioner