



COMMONS REGISTRATION ACT 1965

Reference No. 236/D/421-425

In the Matter of Moor House Bank Common,
 Limpsfield, Tandridge D

DECISION

No. 1

These disputes relate to the registrations at Entry No. 1 in the Land Section and at Entries Nos. 1 to 4 in the Rights Section of Register Unit No. CL 415 in the Register of Common Land maintained by the Surrey County Council. They are occasioned by Objection No. 506 made by E Boyes, No. 564 made by Surrey County Council and No. 597 made by R H G Leveson Gower noted in the Register respectively on 13 May 1971, 26 May 1972 and 5 June 1972.

I held a hearing for the purpose of inquiring into the disputes at Oxted on 7 May 1981. The hearing was attended by Mr E Boyes, by Mr B H Cotter, Solicitor of Surrey County Council, by Mrs G A Shipp representing the National Trust, by Mrs A Williams, Solicitor, of Limpsfield Parish Council and by the applicants for registration in the Rights Section, Mr W Edwards (Entry No. 1) Mrs A H Edwards (Entry No. 2) and Miss E P Quigley (Entries No. 3 and 4).

The registration was made on the application of Limpsfield Parish Council. I was informed that the National Trust is now the owner of the Unit land as successor to Mr Leveson Gower, and is authorised to represent him.

Objections Nos. 506 and No. 564 are to the Entry in the Land Section and at the request of the parties concerned I adjourned the hearing of the disputes occasioned by these Objections.

Objection No. 597 is to the four Entries in the Rights Section. Entries Nos 1 and 2 are the Edwards Rights and Entries Nos 3 and 4 the Quigley Rights which I considered in my Decision on CL 419 (Ref. 236/D/408-414). Mr and Mrs Edwards gave evidence: since the last war they have been out on the common periodically though not in recent years. Up to about 1960 they took herbage for their rabbits and bracken for the hutches and have taken occasional bags of leaf mould and basketsfull of berries. Miss Quigley said that over the years she had walked on the common and picked up odd things - bracken for animals and cores for medicinal purposes. On this evidence and for the reasons given in the CL 419 Decision, I find that none of the registered rights has been established. I should add that this common was subject to the Order of 16 December 1938 (Ref. 236/D/45-420) made by the Minister of Agriculture and Fisheries, referred to in the CL 418 Decision. This Order provided that no person without lawful authority should (inter alia) remove trees, shrubs, gorse, heather, plants, turf, gravel, sand or soil from the land, so that for the reasons given in that Decision I do not think that the activities of the Edwards and Miss Quigley can be taken into account in support of claims to the rights based on prescription.

Accordingly I refuse to confirm the registrations in the Rights Section.



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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

15 June

1981

A handwritten signature in cursive script, reading "H. J. Morris Smith".

Commons Commissioner