



COMMONS REGISTRATION ACT 1965

Reference No 236/U/79

In the Matter of Park Downs, Reigate
and Banstead Borough, Surrey

DECISION

This reference relates to the question of the ownership of land known as Park Downs, Reigate and Banstead Borough being the land comprised in the Land Section of Register Unit No CL. 97 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 The National Trust for Places of Historic Interest or Natural Beauty on whose application the registration was made, said (letter dated 20 November 1975) that as far as they knew the land is the property of the Borough of Reigate and Banstead, and that Borough (an application by their predecessor Banstead Urban District Council is noted in the Register) claimed (letter dated 28 November 1975) ownership. No other person claimed to be the freehold owner of the land in question 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 22 May 1978. At the hearing Reigate and Banstead Borough Council were represented by Mr P D C Brown, solicitor in their employ.

The land ("the Unit Land") in this Register Unit contains (according to the Register) 29.891 hectares (75.86 acres), and is on the south side of the hill between Chipstead and Banstead.

Mr Brown in the course of his evidence, produced a conveyance dated 27 May 1946 and made between Surrey County Council and Banstead Urban District Council by which, after reciting that the two Councils had agreed that the County Council should purchase the land thereafter described with the intention that they should become part of the Green Belt around London and should thereafter be conveyed to the District Council and that the County Council were under two conveyances dated 9 November 1937 and 26 November 1937 the owners of such land, it was witnessed that the lands therein described being about 76.421 acres in Chipstead and about 313.102 acres in Banstead, Woodmansterne and Chipstead or some or one of them and being delineated on the annexed plan were conveyed to the District Council. The Unit Land is part of the said 313.102 acres so delineated.

On this evidence I am satisfied that Reigate and Banstead Borough Council as successors under the Local Government Act 1972 of the said Urban District Council are the owners of the land, and I shall accordingly direct the Surrey County Council, as registration authority, to register Reigate and Banstead Borough Council as the owners 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 15th day of June — 1978

a. a. B. J. J. J.

Commons Commissioner