



COMMONS REGISTRATION ACT 1965

Reference No 236/D/98

In the Matter of Poynters Green,
Esher, Elmbridge Borough, Surrey

DECISION

This dispute relates to the registration at Entry No 1 in the Land Section of Register Unit No CL. 270 in the Register of Common Land maintained by the Surrey County Council and is occasioned by Objection No 287 made by Mr Edward Partridge and noted in the Register on 7 October 1970.

I held a hearing for the purpose of inquiring into the dispute at Guildford on 18 October 1977. The hearing was not attended by any person entitled to be heard, but a letter dated 11 October 1977 had been sent to the Clerk of the Commons Commissioners by Elmbridge Borough Council (the registration was made on the application of their predecessors Esher Urban District Council) enclosing a request signed on their behalf and signed by Mr Partridge requesting the Commons Commissioner to confirm the registration as common land of that part of the land which was referred to in the said Objection (which part, being a very small part of the whole, is shown edged red on the plan attached to the said Objection) and to give his decision in accordance with such a request without a hearing.

Under regulation 31 of the Commons Commissioners Regulations 1971, a decision without a hearing cannot be given without the agreement of all the persons entitled to be heard. On this dispute, Surrey County Council are entitled to be heard, see regulation 19(1)(b), and the Clerk has received no agreement signed on their behalf.

However, now I have held a hearing, I have under section 5 of the 1965 Act jurisdiction to give a decision without regard to the possible views of the County Council.

From their non-attendance at the hearing, I infer that they have no objection to the agreement reached between the Borough Council and Mr Partridge, and I conclude that I ought to give effect to such agreement and produce the same result as would have followed under section 7 of the 1965 Act if the Objection had never been made.

For these reasons I confirm the registration without any modification.

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 25th - day of October — 1977

a. a. Baden Fuller