



COMMONS REGISTRATION ACT 1965

Reference No. 236/D/640

In the Matter of Recreation Ground,
Hale, Waverley D

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. VG 15 in the Register of Town or Village Greens maintained by the Surrey County Council and is occasioned by the conflicting registration at Entry No. 1 in the Land Section of Register Unit No. CL 456 in the Register of Common Land maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Guildford on 5 March 1981. The hearing was attended by Mr B. E. H. Cotter, Solicitor of the County Council and Mr A. R. Hart, Solicitor, of Waverley District Council, successor authority to Farnham UDC, the applicant for the VG registration.

The conflict concerns only a very small section (Hale Pond) of the land comprised in the VG registration ("the VG land"). Hale Pond is also one of several scattered areas which together make up CL 456. There was no appearance or evidence to support its registration as common land and Mr Hart asked for confirmation of the VG registration. This in all the circumstances seems to me the right course to take and I confirm this registration.

I should add that the VG land is known as Hale Recreation Ground, which or part of which is the subject of a Scheme made in 1904 by the Charity Commissioners. In an affidavit sworn on 2 March 1981 by an Officer of the Charity Commission certain facts relating to the VG land, or part of it, are deposed to and it is submitted that the registration should not be confirmed. There is no objection to the registration before me, and the conflict giving rise to the dispute concerns only the small section called Hale Pond. In these circumstances I am concerned to decide not the status of the VG land as a whole but only in relation to Hale Pond, which of the two registrations should prevail. I am not satisfied on the evidence submitted on behalf of the Charity Commission that the VG land (including Hale Pond) is not village green.

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

6 April

1981

L. J. Morris Smith

Commons Commissioner