



COMMONS REGISTRATION ACT 1965

Reference No 236/U/131

In the Matter of Rickford Common,
Worplesdon, Guildford District, Surrey

DECISION

This reference relates to the question of the ownership of part ("the Referred Part") of the land which is known as Rickford Common, Worplesdon, Guildford District and which is the land comprised in the Land Section of Register Unit No CL 157 in the Register of Common Land maintained by the Surrey County Council. The Referred Part is the part of the said land which is not registered at HM Land Registry under Title No SY164738 and 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 no person claimed to be the freehold owner of the land in question and no person claimed 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 28 November 1979. At the hearing Surrey County Council were represented by Mr B Cotter, a Principal Solicitor with the Council.

The land ("the Unit Land") in this Register Unit according to the Register contains 20.016 hectares (about 49½ acres). It is an irregularly shaped piece of land bounded on the south-west by the Worplesdon-Brookwood road (A322) and on the south-east by a road from Worplesdon to Mayford. The south part, being about one third of the whole is in Title No SY164738.

Mr Cotter produced a conveyance dated 27 March 1957 by which Mr F W Smallpiece as a gift conveyed to the County Council land containing 32.78 acres, being the part of Rickford Common delineated on the plan annexed and therein coloured pink.

Mr J D Culverwell who is a chartered surveyor employed by the County Council in the County Valuers and Estates Surveyor's Department and who has been responsible for the day to day administration of some of their Commons (including the Unit Land) since 1 January 1976, said that the Unit Land is enjoyed by the public being much walked over and also ridden over with horses; of the SY164738 part the County Council are the registered owners.

I had a letter dated 21 November 1979 from Mr R Herbert of Great Oaks with which was enclosed a sketch map of land in front (to the west) of Great Oaks and of White House (a house south of Great Oaks). On this map is coloured green a piece of land marked as 90' long from north to south and 35' wide. Mr Herbert says (in effect) that he and his predecessor have maintained the green land "for something around 20 years since this property was erected".

The plan on the 1957 conveyance shows the land thereby conveyed to be the same as the Referred Part except it does not expressly include the strip next mentioned. On the evidence summarised above I conclude that the County Council are the owners at least of the land so conveyed. The said strip is about 100 yards long and is the most west part of the Unit Land. Mr Culverwell said that the strip is roadside verge not, in



relation to the rest of the Unit Land of importance. As it has been registered under the 1965 Act with the rest of the Common I consider that I should treat it as being part of the land by the 1959 conveyance intended to be conveyed, and conclude that the County Council own this strip too.

Mr Herbert's letter is not enough to enable me to express any opinion about the green land on his sketch map. Maybe (as he suggests) this land is not included in this Register Unit; I have no jurisdiction on this reference to determine whether it is or is not. But if it is included, it must also be included in the 1957 conveyance land; I cannot from his letter find that the County Council has been dispossessed or that he as owner of Great Oaks or for any other reason also owns it.

Upon the considerations summarised above, I am satisfied that County Council are the owners of all the Referred Part, and I shall accordingly pursuant to section 8(2) of the Act of 1965 direct the Surrey County Council as registration authority to register themselves as owners of the part of the land in this register unit which is not registered at HM Land Registry under Title No SY164738 and of which no person is registered under section 4 of the said Act as the owner.

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 3rd — day of *January* 1980.

a. a. Baden Fuller

Commons Commissioner