



In the Matter of Seale Recreation Ground,
Seale and Tongham, Guildford Borough, Surrey

DECISION

This reference relates to the question of the ownership of land ("the Referred Land") known as Seale Recreation Ground, Seale and Tongham, Guildford Borough being part of the land comprised in the Land Section of Register Unit No. VG 70 in the Register of Town or Village Greens maintained by the Surrey County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner. The land ("the Unit Land") in the Register Unit is north and adjoins the road (Pilgrims Way) which runs westwards from Seale. In addition to the said Recreation Ground (the Referred Land) it includes a comparatively very small strip which is between the Ground and the Road and which is registered at the Land Registry under the Land Registration Act 1925 to 1966 under Title No. ST405501.

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 7 November 1973. At the hearing Seale and Tongham Parish Council were represented by Mr C Stagg, their Clerk.

Mr Stagg who has been clerk for the last 6 years and who lives near and almost daily sees, the Unit Land, in the course of his evidence produced a copy (certified by the Enclosure Commissioners on 28 November 1872) of an order of exchange made by them on that day, which after reciting that under an Indenture of Award of 2 June 1855 land was allotted to the Overseers of the Poor of the Parish of Seale in trust as a recreation ground for the inhabitants of the said Parish and neighbourhood, substituted for the land thereby allotted a piece of land containing 2 acres and being the same as the Unit Land (or at least certainly including the Referred Land). Mr Stagg said that the Referred Land is used as a recreation ground, being just enough for a football pitch; the Parish Council manage it and let it to a local football club; it includes items of play equipment for children in one corner.

On this evidence I am satisfied that the Parish Council are the owners of the Referred Land and I shall accordingly direct the Surrey County Council as registration authority to register Seale and Tongham Parish Council as the owners of the land under section 9(2) of the Act 1965.

Mr Stagg also produced a conveyance dated 15 December 1973 by which a piece of land 306 feet long and 56 feet wide was conveyed to the Parish Council and a Land Certificate showing that the Parish Council was on 8 January 1974 registered as owner of it. He said that this land adjoins the Unit Land on the north and was acquired as an addition to the recreation ground. It seems to me (Mr Stagg agreed) that this land is not included in the registration made under the 1965 Act.



It may be that its non-registration is of no practical consequence; however this may be, because it is not included, I have on this reference no jurisdiction over it, and this decision will therefore neither adversely affect nor improve the title of the Parish Council to it.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that the 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 30th —

day of April —

1978

a. a. Bostock Jones

Commons Commissioner