

In the Matter of The Green,
Weybridge, Elmbridge Borough,
Surrey

DECISION

This reference relates to the question of the ownership of part ("the Referred Part") of the land which is known as The Green, Weybridge, Elmbridge Borough and which is the land comprised in the Land Section of Register Unit No VG 25 in the Register of Town or Village Greens maintained by the Surrey County Council. The Referred Part is the part of the said land 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 Elmbridge Borough Council claim to be the owners of the Referred Part and no other 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 1978. At the hearing Elmbridge Borough Council were represented by Mr R W Kirby their Senior Assistant Solicitor.

The land ("the Unit Land") in this Register Unit between its north and south corners is a little under 300 yds long and between its east and west corners a little over 150 yds wide. The Referred Part comprises (1) a comparatively small triangular piece at the south-west corner separated from the rest by Princes Road which here cuts a corner for those coming from the north along Hanger Hill, and (2) another comparatively small triangular piece at the north end at the junction of Queens Road and Hanger Hill on which there is a war memorial. Of the remainder of the Unit Land, Walton and Weybridge Urban District Council have in the Ownership Section been registered as owners.

Mr Kirkby in the course of his evidence produced a deed dated 2 August 1911 by which Weybridge Urban District Council as trustees of Weybridge Pools Land and as authorised by an order of the Charity Commissioners dated 7 June 1910 conveyed to themselves land which by reference to the attached map he

identified with all the Unit Land. He said (in effect) that the omission of the Referred Part from the Ownership application made by the District Council must have been a mistake, as the Referred Part was dealt with as part of the Unit Land in the 1911 deed and the Borough Council as successors of the District Council looked after the Referred Part as they did the rest of the Unit Land.

On this evidence I am satisfied that the Borough Council as successors of the District Council are the owners of the eferred Part and I shall accordingly direct the Surrey County Council as registration authority, to register Elmbridge 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 1977 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 28th day of November 1978
 a a *Barton Jullie*

Commons Commissioner