



In the Matter of The Green, Shamley Green  
and Manorial Waste, Waverley D

---

DECISION

This reference relates to the question of the ownership of land described above being the part of the land comprised in the Land Section of Register Unit No. CL 175 in the Register of Common Land maintained by the Surrey County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner and which is not registered freehold under the Land Registration Acts.

Following upon the public notice of this reference Waverley District Council claimed to be the freehold owner of the land in question 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 in question at Guildford on 23 June 1983.

At the hearing Miss L Leeson, an officer of the District Council, appeared on its behalf.

The land in question consists of two small pieces, one at the NW tip of the Green and the other at its S end. Miss Leeson told me that the District Council managed the whole of the Green, including the two pieces, in accordance with a Commons Regulation Scheme adopted in 1950 under the Commons Act 1890. The Scheme contains provisions preserving the rights of the owner of the soil and I do not think that acts of management under powers conferred by the Scheme can properly be regarded as acts or evidence of ownership by the Council. In the result, I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 of the Act of 1965.

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 4 October 1983

*L. J. Morris Smith*

Commons Commissioner