



COMMONS REGISTRATION ACT 1965

Reference No 236/D/96

In the Matter of The Heath,  
Weybridge, Elmbridge District,  
Surrey

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DECISION

This dispute relates to the registration at Entry No 1 in the Land Section of Register Unit No CL. 192 in the Register of Common Land maintained by the Surrey County Council and is occasioned by Objection No 398 made by Walton and Weybridge Urban District Council and noted in the Register on 16 October 1970.

I held a hearing for the purpose of inquiring into the dispute at Guildford on 18 October 1977. At the hearing Weybridge Residents Association on whose application the registration was made, were represented by Mrs C E Toler, their Hon Secretary.

At the same time, I held a hearing for the purpose of inquiring into a dispute relating to the same registration occasioned by Objection No 44 made by British Railways Board and noted in the Register on 17 March 1970. As to this dispute, my decision dated 26 October 1977 is to the effect that the land ("the Objection No 44 Land") referred to in the Objection should be removed from the Register. As to the dispute occasioned by Objection No 398, as requested in a letter of 12 October 1977 from Elmbridge District Council, and with the agreement of Mrs Toler, I adjourned the proceedings.

The land ("the Unit Land") in this Register Unit, according to the Register map is all near Weybridge Railway Station, and comprises five pieces, of which the largest is a piece bounded by St Georges Avenue and Brooklands Road and crossed by Cobbetts Hill. Of the remaining pieces, one ("the North Piece") is a strip on the west side and adjoining Heath Road, and another ("the Southwest Piece") is east of Brooklands Road and southeast of the Railway. The grounds of Objection No 398 are:- "That part of the land used as a car park was not at the time and date of registration common land..."; attached to the Objection is a plan showing two areas ("the Objection No 398 Land") coloured pink and marked as "Car Park", being an area at the south end of the North Piece and at the northwest end of the Southwest Piece.

All the persons entitled to be heard at the adjourned hearing of this dispute have agreed upon the terms of the decision to be given by me and have sent to the Clerk of the Commons Commissioners particulars of such terms signed by or on behalf of all such persons, such terms being that the Commons Commissioner do confirm the registration of those parts of the Objection No 398 Land which are shown edged red on the plan annexed thereto and do refuse to confirm the registration of those parts which are shown coloured brown on the said plan.

Nothing in the said terms is expressly stated as to what the Commons Commissioner do as regards so much of the Unit Land as is neither Objection No 44 Land nor Objection No 398 Land. This remaining part is not the subject of any Objection, and if it had been separately registered, such registration would have become final under section 7 of the 1965 Act and there would have been no reference about it



to a Commons Commissioner. I read the said terms as impliedly requesting the same result.

I am willing to give a decision in accordance with the proposed terms (including that which I have implied as set out above) in accordance with my decision of 26 October 1977, and I accordingly confirm the registration with the modification that there be removed from the register the land shown by a red verge line on the plan no 49083 referred to in Objection No 44 and the land coloured brown on the plan annexed to the said terms.

Dated this 13<sup>th</sup> day of February — 1978

*C. A. Bacon Fuller*

Commons Commissioner