



In the Matter of The Hurtwood, Shere, Cranleigh and Ewhurst,
Surrey

DECISION

This dispute relates to the registrations at Entry Nos 1 to 3 in the Rights section of Register Unit No. CL 196 in the Register of Common Land maintained by the Surrey County Council and is occasioned by Objections Nos 249 and 430 made by the former Surrey County Council and noted in the Register on 21 September 1970.

I held a hearing for the purpose of inquiring into the dispute at Guildford on 21 February 1981. The hearing was attended by Mr H J George, solicitor, on behalf of Mrs E F Overington, the applicant for the registration at Entry No. 1, Mr J Hinchliffe, solicitor, on behalf of Mr and Mrs D F Moody, the successors in title of Mrs B Sparks, the applicant for the registration at Entry No. 2, and Mr B H Cotter, solicitor, on behalf of the Surrey County Council.

Although the grounds of the Objection are stated to be that the right registered in each of the entries does not exist, Mr Cotter informed me that the County Council was only concerned to ensure that there should be no rights over some small areas of land adjoining highways held by the County Council as highway authority. These areas are registered in the Land Registry under title no. SY 377837. Both Mr George and Mr Hinchliffe stated that they were instructed to accept the exclusion of these areas from the registrations in which their respective clients were interested.

There was no appearance by or on behalf of Mr J S Bailey, the applicant for the registration at Entry No. 3, but Mr Cotter informed me that the County Council was prepared to accept this registration subject to the same exclusion as in the cases of the registrations at Entry Nos 1 and 2.

In these circumstances I confirm all the registrations with the following modifications; namely, the insertion in each case of the words "other than the land comprised in Land Registry title no. SY377837" after the words in column 4.

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

5th

day of

February

1981

J. S. Bailey

Chief Commons Commissioner