



In the Matter of The Manor of Abinger, Abinger,
Surrey.

DECISION

This dispute relates to the registrations at Entry Nos 1 to 4 in the Rights section of Register Unit No. CL 49 in the Register of Common Land maintained by the Surrey County Council and is occasioned by Objection No. 415 made by the former Surrey County Council and noted in the Register on 19 October 1970.

The Chief Commons Commissioner held a hearing for the purpose of inquiring into the dispute at Guildford on 14 December 1979. The hearing was attended by Mr B Cotter, solicitor, on behalf of the Surrey County Council. The hearing was adjourned until 20 January 1981 when the County Council was represented by Mr P J Droop, solicitor. The hearing was further adjourned until 3 March 1981.

At the hearing on 20 January 1981 Mr Droop produced consents under reg. 31 of the Commons Commissioners Regulations 1971 requesting that the registrations at Entry Nos 1 and 2 should not be confirmed.

The registration at Entry No. 3 was made in error, since it is apparent from the map attached to application No. 1336 that the right was claimed in respect of land other than that comprised in this Register Unit. This registration, therefore cannot be confirmed.

The hearing on 3 March 1981 was held by Mr Commissioner Morris Smith. The hearing was attended by Mr L L Ware, of counsel, on behalf of Mr T C C Barkworth, the applicant for the registration at Entry No. 4 and leave was given for Mr P A C Trower, chartered surveyor, to represent the County Council. Mr Ware and Mr Trower put in a consent signed by Mr Barkworth requesting the deletion of the registration at Entry No. 4, and the substitution of a right of pasturage over part of the land comprised in the Register Unit and a right to cut and remove bracken and gorse over the whole of the land comprised in the Register Unit, each right to be attached to a dominant tenement consisting of parts of the land referred to in column 5 of the registration. It was further agreed orally that neither right should be exercisable over highway verges.

In these circumstances we refuse to confirm the registrations at Entry Nos 1, 2, and 3, and we confirm the registration at Entry No. 4 with the following modifications, namely, the substitution for the words in column 4 of the words:-

"The right of pasturage for 20 cattle and 38 sheep over the part of the land comprised in this register unit shown on a plan attached to the consent other than highway verges.

"The right to cut and remove bracken and gorse from the whole of the land comprised in this register unit other than highway verges"

and the substitution for the reference in column 5 to the plan annexed to application No. 1341 of a reference to a plan attached to the consent.



We are 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

30th

day of

March

1981

G. D. [Signature]

CHIEF COMMONS COMMISSIONER

L. J. Morris Smith

COMMONS COMMISSIONER