



In the Matter of the piece of land in
the parish of Capel called Coldharbour
Common (part)

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL.496 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.

Following upon the public notice of this reference the National Trust claimed to be the freehold owner of the land in question ("the unit land"). 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 21 May 1986. At the hearing the National Trust was represented by the Regional Officer, Mrs G A Shipp. No other claimant appeared.

Coldharbour Common, comprising some 104 acres was in February 1986 acquired by the National Trust by virtue of a Conveyance dated 7 February 1986 to which the parties were (1) Martin Lewis Dowling and Allan James Page (2) the Commissioners of Inland Revenue (3) The National Trust. This Conveyance was made pursuant to the provisions of the Capital Transfer Tax Act 1984 in part satisfaction of a liability to capital transfer tax. The Unit Land, which has an area of some 2.4 acres was part of the Common conveyed.

On this evidence I am satisfied that the National Trust is the owner of the unit land, and I shall accordingly direct the Surrey County Council, as registration authority, to register the National Trust as the owner under section 8 (2) 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, 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

2nd

day of

July

1986

L. J. Morris Smith

Commons Commissioner