



COMMONS REGISTRATION ACT 1965

Reference No. 236/D/2-4.

In the Matter of Thursley Common, Thursley  
Waverley D.

DECISION

This dispute relates to the registration at Entry No 1 in the Land Section of Register Unit No. CL.213 in the Register of Common Land maintained by the Surrey County Council and is occasioned by Objection No. 159 made by Surrey County Council and noted in the Register on 1st September 1970 and the conflicting registrations at Entry Nos 1 and 2 in the ownership section of this unit.

I held a hearing for the purpose of inquiring into the dispute at Guildford on 13 February 1979. The hearing was attended by Mr H B Jones of the Treasury Solicitor on behalf of the Nature Conservancy which has acquired the land from Col Whitbread who registered the land. Miss P J Fishwick appeared for the objector Surrey County Council and Miss G Gilson Counsel instructed by Messrs. Outred and Co., appeared for Mr G R Cottle, who claims to own part of the land in question.

Mr Jones accepted that the land identified on the plan annexed to objection No. 159 is not common land and I confirm the Entry in the Land Section modified by the exclusion of that land.

The land registered by Col Whitbread in the ownership section is now registered at H M Land Registry and I have no jurisdiction to deal with the conflicting Entries in the Ownership Section. Mr Cottle must pursue his claim at the Land Registry which is a claim to a possessory title of part of the land. Miss Gilson agreed to apply for Registration at the Land Registry in the event of Mr Cottles claim succeeding so that the whole of the land registered in the Ownership Section will in any view be registered at the Land Registry and References 236/D/3 and 4 will therefore not fall to be dealt with by a Commons Commissioner. The Entries in the ownership section will remain until either the Registration Authority is advised by the parties that they have reached agreement or by the Land Registry that the conflict has been resolved.

For these reasons I refuse to confirm the registration.

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 12 day of March 1979

1979

*G. A. Little*

Commons Commissioner