



COMMONS REGISTRATION ACT 1965

Reference No. 236/D/327

In the Matter of Trunley Heath, Shalford,
Guildford District, Surrey

DECISION

This dispute relates to the registration at Entry No. 1 in the Rights Section of Register Unit No. CL 289 in the Register of Common Land maintained by the Surrey County Council and is occasioned by Objection No. 441 made by the said Council and noted in the Register on 19 October 1970.

I held a hearing for the purpose of inquiring into the dispute at Guildford on 29 November 1970. At the hearing (1) Surrey County Council were represented by Mr B Cotter a principal solicitor with the Council; (2) Guildford Borough Council were represented by Mr A H Pearson, assistant solicitor with the Council; and (3) Shalford Parish Council were represented by Mr D Gould their clerk.

This registration now disputed was made on the application of Mr Felix Donovan Fenston. Mr Pearson referred me to a conveyance dated 24 September 1979 (a copy of which he produced in earlier proceedings relating to Register Unit CL 287 as to which I have given a decision of even date under Reference Nos. 236/D/328-330) by which Mr S Morris as executor of Mr Fenston (he died 15 September 1970) conveyed to Guildford Borough Council (with other property) all his commonable and other rights in lands which included the land in this Register Unit. He said that his Council were agreeable to my refusing to confirm the registration.

In accordance with such agreement 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 1st day of April 1980

A. A. Baden Fuller

Commons Commissioner