



In the Matter of Upper Halliford Green,
Sunbury on Thames

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. VG. 52 in the Register of Town or Village Greens 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 Spelthorne Borough Council 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 11 March 1986.

At the hearing, the Borough Council was represented by Mrs Longmuir, Solicitor, in its legal department.

There are records from 1917 onwards of applications being made to Sunbury Urban District Council (the predecessor of the Borough Council) for use of the unit land for the holding of a fair and, in some cases, being granted. In 1977 Bye Laws were made by the Borough and in 1978 confirmed by the Secretary of State, under the Open Spaces Act 1902, for the regulation of the unit land.

This evidence in support of the Borough Council's claim to ownership is somewhat flimsy and I am not satisfied that any person is the owner of the land, I shall accordingly direct the Surrey County Council, as registration authority, to register the Borough Council as the owner of the land under section 8 (3) 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 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

19 May

1986

L. J. Morris Smith

Commons Commissioner