



In the Matter of Waste Land at Frimley  
Grove adjoining Portsmouth Road, Frimley,  
Surrey

DECISION

This dispute relates to the registration at Entry No 1 in the Land Section of Register Unit No. CL.19 in the Register of Common Land maintained by the Surrey County Council and is occasioned by Objection No. 37 made by the former Frimley and Camberley Urban District Council and noted in the Register on 25 November 1969.

I held a hearing for the purpose of inquiring into the dispute at Guildford on 13 December 1979. The hearing was attended by Mr P F Myers, Solicitor, on behalf of the Surrey County Council and Mr P Elliott Hughes, Solicitor, on behalf of the Surrey Heath Borough Council, the successor authority of the former Urban District Council.

The grounds of the Objection are that those portions of the land comprised in the Register Unit which are shown coloured pink on the plan attached to the Objection were not common land at the date of registration, being lands which formed part of the highway. In a letter dated 23 October 1979 addressed to the Clerk of the Commons Commissioners the Solicitors for Mrs Doris E West-Frimley, whom I take to be the widow of Mr G E West-Frimley, the applicant for the registration, stated that their client consented to the registration being amended so as to exempt the part of the land which formed parts of highways. However, in a letter dated 28 November 1979 addressed to the Clerk of the Commons Commissioners Mr Elliott Hughes stated that the Borough Council would wish to take the point that the land is not common land on the ground that it is merely waste land which is no longer part of the manor. By a letter dated 4 December 1979 the Clerk of the Commons Commissioners suggested that Mr Elliott Hughes should inform Mrs West-Frimley's Solicitors of this.

In these circumstances, there being no appearance by or on behalf of Mrs West-Frimley, I give leave for the grounds of the Objection to be amended in accordance with Mr Elliott Hughes's letter of 28 November 1979.

It is stated in Mrs West-Frimley's Solicitors' letter of 29 October 1979 that the Manor or Lordship of Frimley is now vested in her. It may be that when the registration was made on 18 May 1967 Mr G E West-Frimley was the Lord of the Manor and that the land in question belonged to him as waste land of the manor. However, on 9 February 1970 the former Urban District Council was registered as the owner of the whole of the land comprised in the Register Unit, and this registration, being undisputed, became final on 1 August 1972. Therefore, whatever the position may have been on 18 May 1967, the land is now severed from the Lordship of the Manor and does not fall within the definition of "Common Land" in S.22 (1) of the Commons Registration Act 1965 as waste land of a manor. There being no registration in the Rights Section of the Register Unit, the land does not fall within either limb of the definition of "Common Land".



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

11<sup>th</sup>

day of

January

1980

Chief Commons Commissioner