



COMMONS REGISTRATION ACT 1965

Reference Nos. 38/U/14
38/U/17

In the Matter of (i) Fridays Hill
Waste and (ii) the Flounder, Fernhurst
Midhurst Rural District, West Sussex

DECISION

This reference relates to the question of the ownership of lands known as (i) Fridays Hill Waste and (ii) the Flounder, both in Fernhurst, Midhurst Rural District being the lands comprised in the Land Section of Register Unit Nos (i) CL86 and (ii) CL89 respectively in the Register of Common Land maintained by the West Sussex 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 no person claimed to be the freehold owner of the land in question and no 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 Chichester on 11 January, 1973. The hearing was attended by the West Sussex County Council ("the County") who were represented by Mr. J.R. Sampson a solicitor employed in the Clerk's Department and by the Fernhurst Parish Council ("the Parish") who were represented by Mr. H. Merritt who is their Chairman.

In his evidence on behalf of the County, Mr. Sampson produced a conveyance dated 12 March, 1965 by which these lands (therein described as part of the waste of the Manor of Diddlesfold) were conveyed by George Baker to the County in fee simple and an abstract (examined on behalf of the County on 12 March 1965) of the title of the said George Baker commencing with the will dated 3 May 1881 of his grandfather also called George Baker (he died 14 September 1898) and continuing with the will of his father James Henry Baker (he died on 11 April 1932) and with an assent dated 26 February 1958 by his personal representatives in favour of George Baker. Mr. Sampson explained that in 1965 the County wanted part of these lands to widen the highway from Midhurst to Haslemere (A.286) and they purchased the remainder because the Vendor wanted all the lands to be included in the sale.

Mr. Merritt said that the Parish did not oppose the ownership claim of the County.

On the evidence outlined above, I am satisfied that the County is the owner of the lands and I shall accordingly direct the West Sussex County Council, as registration authority, to register West Sussex County Council as the owner of the lands 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 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 16th day of January 1973

a. a. Baden Fuller.

Commons Commissioner