



COMMONS REGISTRATION ACT 1965

Reference Nos: 201/D/5  
201/D/6

In the Matter of Arlesey Common, Arlesey,  
Mid Bedfordshire District, Bedfordshire.

DECISION

These disputes relate to the registration at Entry nos. 2 and 3 in the Rights Section of Register Unit no. CL.20 in the Register of Common Land maintained by the Bedfordshire County Council and are occasioned by Objection no.37 made by London Brick Company Limited and noted in the Register on 24 September 1970.

I held a hearing for the purpose of inquiring into the dispute at Bedford on 15 October 1975. At the hearing Bedfordshire County Council as registration authority were represented by Miss S. Morgan, articled clerk in their County Secretary's Department. No other person attended.

The land ("the Unit Land") comprised in this Register Unit is west of the Railway near the site of the old Three Counties Station and north of the Erickworks; it is in four pieces, the two west pieces (west of the River Hit and separated by a path or track) being O.S. No. 69 containing 21.442 acres and the two east pieces (east of the River and separated by a continuation of the same path) being O.S. No. 71 containing 7.016 acres.

The Entry in the Land Section was made by the Registration Authority without application, and being undisputed has become final. The Rights Section contains three Entries:- No.1 (which being undisputed has become final) made on the application of the London Brick Co. Ltd. of 19 shares in the Common Pasture as awarded by the Inclosure Award for Arlesey under the Inclosure Act of 1804, being rights held in gross (the Entry sets out the numbers of cattle and the grazing periods in accordance with the Award as hereinafter summarised); No.2 (which is disputed) made on the application of Mrs I. M. Cooper, Mrs W. M. Walker, Mr. L. J. Walker and Miss E. M. Walker of a right to graze 4 cattle held in gross; and No.3 made on the application of the Trustees of the Robert Lucas Charity of a right to graze 4 cattle held in gross. In the Ownership Section London Brick Company Limited are registered as owners of all the Unit Land and such registration being undisputed has become final. The grounds of the Objection are:- "That the persons named as the applicants for registration were not entitled to apply in the capacity stated in the register. That the rights are misdescribed as to the number of livestock which can be grazed and the periods when exercisable. The number of livestock and the periods when exercisable should be in accordance with the provisions for the regulation of the common as set out in the Inclosure Award for Arlesey dated 14 December 1809 which was made pursuant to the Inclosure Act of 1804".

Miss Morgan produced from the County Archives: (1) a copy of the Arlesey Inclosure Award dated 14 December 1808 (certified as enrolled on 14 December 1809), and (2) a copy of a Plan of the Parish describing the different allotments as set out upon the Inclosure thereof, certified on 13 March 1947 as a corrected tracing of the original map in the possession of the Arlesey Parish Council.

The 1808 Award was made under the Arlesey Inclosure Act (1804) (44 Geo. 3. c. 59). By it the Commissioners, after allotting nearly all the common and waste lands (therein said to contain 1,793 acres), and reciting that certain persons therein named being proprietors of certain cottages entitled to rights of common in respect



- 2 -

thereof had requested that their common rights be compensated by a common pasture instead of distinct allotments, set out for the said proprietors one piece containing 22 acres 1 rood 10 perches situate in Howberry Holme and Ramerick Field, and a piece being an ancient inclosure (the owner consenting) called Earwig Close containing 7 acres 3 roods and 39 perches, and after providing for the payment of the herdsman, established regulations to the effect that cows heifers and weaned calves and no other cattle should be turned or kept on the common, the the common be wholly shut from 1 January to 10 May, be for 2 cattle for each commoner from 10 May to 1 August and be for 1 cattle for each commoner from 1 August to 1 November and be for 2 cattle for each commoner from 1 November to the end of the year, that a herdsman should be appointed by a meeting as therein provided, and that each commoner should be entitled to let his rights or in lieu have £2.11.3d. from those who stocked the common.

The Award map produced identifies the 22 acres 1 rood 10 perches allotted with the two larger pieces of the Unit Land and the 7 acres 3 roods and 39 perches with the two smaller pieces, except that the two allotments are now divided by <sup>the</sup> ~~an~~ east-west path or track apparently made since the Award.

In two letters both dated 10 October 1975 and sent to the Clerk of the Commons Commissioners, Wade & Jackson, Solicitors of Hitchin on behalf of the applicants for the said Entries nos. 2 and 3 write to withdraw their applications for registration of rights of common.

On the information set out above, I conclude that the Objection ought to succeed, and accordingly I refuse to confirm the registrations.

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 23<sup>rd</sup> day of *October* — 1975

*a. a. Baden Fuller*

Commons Commissioner.