



In the Matter of Bell Close, Luton,
Bedfordshire

DECISION

This reference relates to the question of the ownership of land known as Bell Close, Luton, being the land comprised in the Land Section of Register Unit No. CL 67 in the Register of Common Land maintained by the Bedfordshire 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 one 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 Bedford on 7 July 1982.

At the hearing the Luton Borough Council was represented by Mr A Heighen, Solicitor.

The land the subject of the reference was formerly the property of John Sambrook Crawley. By an order of exchange dated 16 January 1869 made by the Inclosure Commissioners for England this land was exchanged for land held by the several owners and proprietors of messuages, cottages, tofts, lands, tenements and hereditaments to whom and for whose benefit in their capacity of joint owners or as a class certain allotments of land in lieu of rights of common on Luton waste lands had been made by the award dated 20 January 1810 under the provisions of the Luton Inclosure Act of 1808 (48 Geo. III, c.22 (private, not printed)).

In consequence of this exchange the land in question became a common within the meaning of the Inclosure Acts 1845 and 1882, and by a provisional order confirmed by the Commons Regulation (Luton) Provisional Order Confirmation Act 1894 (57 and 58 Vict., c. xliii) the general management of the land was vested in the former Luton Corporation.

In 1899 the Corporation contracted for the redemption of the land tax charged on the land. In the certificate of the contract dated 10 March 1899 it is stated that the "said land and premises are vested in the Luton Town Council by a Provisional Order under the Commons Act", but in the copy of the land tax assessment the column headed "Name of Proprietor" contains the words "Luton Freeholders". It therefore seems that the statement that the land and premises were vested in the Town Council was based on a mis-reading of the provisional order which vested the general management of the land and not the land itself in the Corporation, and that the land was still in the ownership of the owners and proprietors in whom it had been vested by the order of exchange.

Since the inclosure award provided that the allotments in lieu of rights of common should be stocked and depastured in common by the several owners and proprietors, the land falls within para. 2 of Part V of the First Schedule to the Law of Property Act 1925 and so became vested in the Public Trustee on 1 January 1926.

On this evidence I am satisfied that the Public Trustee is the owner of the land, and I shall accordingly direct the Bedfordshire County Council, as registration authority, to register him as the owner of the land 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

July

1982

Chief Commons Commissioner