



In the Matter of Part of Totternhoe Regulated
Pastures on the North-West Side of Icknield
Way, Totternhoe, Bedfordshire

DECISION

This reference relates to the question of the ownership of part of Totternhoe Regulated Pastures on the North-West side of Icknield Way, Totternhoe, being the land comprised in the Land Section of Register Unit No. CL 31 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 Mr T C Flory claimed to be the freehold owner of the land in question and 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 Bedford on 7 July 1982.

At the hearing Mr T C Flory and Mr P C Flory were represented by Mr J Black, Solicitor, the South Bedfordshire District Council by Mr G T Blakey, Solicitor, and the Bedfordshire County Council by Mr E Lander, an administrative assistant in the County Secretary's office.

The land the subject of the reference consists of a long strip on the north-west side of the Icknield Way (also known as Tring Road), the northern part being in the former borough of Dunstable and the southern part in the parish of Totternhoe. Previously the whole of the land was in the parish of Totternhoe and formed part of the commons which were regulated by a provisional order confirmed by the Regulation and Inclosure (Totternhoe) Provisional Orders Confirmation Act 1886 (49 Vict., c. xvi). By the award made under the provisional order on 14 January 1891 the land in question was made subject to 35 stints or rights of pasturage for sheep which were adjudged to the then Earl Brownlow. It appears, however, from the deeds hereafter referred to that Earl Brownlow was also the freeholder of this land.

By a conveyance made 10 April 1964 between (1) Thomas Wass Flory (2) Thomas Clifford Flory, Peter Clifford Flory and Anthony John Flory a part of the land in question within the former borough of Dunstable was conveyed to Mr T C Flory, Mr P C Flory and Mr A J Flory. The vendor had a good root of title to the south-western part of the land in a conveyance made 15 July 1927 between (1) Harry Archer (2) Mary Turney Labrum (3) T W Flory and to the north-eastern part in a conveyance made 12 July 1929 between (1) H Archer (2) M T Labrum (3) T C Flory. It appears from the schedules to these conveyances that the whole of the land the subject of the 1964 conveyance was conveyed by Earl Brownlow to Charles Brinklow on 2 May 1917. Mr A J Flory died on 7 May 1966.

On this evidence I am satisfied that Mr T C Flory and Mr P C Flory are the owners of part of the land, and I shall accordingly direct the Bedfordshire County Council, as registration authority, to register them as the owners



of that land under section 8(2) of the Act of 1965.

In the absence of any further evidence I am not satisfied that any person is the owner of the remainder of the land the subject of the reference, which will therefore remain subject to protection under section 9 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

C. J. L. G. L. G.

Chief Commons Commissioner