

In the Matter of Pope's Meadow, Luton,  
Bedfordshire

DECISION

This reference relates to the question of the ownership of land known as Pope's Meadow, Luton, being the land comprised in the Land Section of Register Unit No. CL 66 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 Heyhen, solicitor.

By two conveyances dated respectively 30 March 1868 and 29 September 1880 the land the subject of the reference was with other land vested in trustees on trust that such land should be used as a "People's Park". The conveyances contained provisos that if it should thereafter appear expedient to two-thirds in number and value of the owners and proprietors of messuages, cottages, tofts, land, tenements, and hereditaments in the township of Luton that the land in question should be granted and assured to the Local Board of Health, then the trustees for the time being should grant, convey, and assure the land to the Local Board of Health and their successors forever as a public park or recreation ground. A resolution that this should be done was passed at a meeting held on 27 February 1896.

At a meeting of the Town Council held on 3 March 1896 it was resolved that the Town Clerk should instruct solicitors to prepare and complete the conveyance of the land the subject of the resolution passed at the meeting held on 27 February 1896. This conveyance cannot now be found, but on 10 March 1899 the former Luton Corporation contracted for the redemption of the land tax on the lodge and premises situate in Old Bedford Road numbered 708 on the Ordnance Survey Map, and the extract from the land tax assessment shows the Luton Town Council as the proprietor of the property. The land numbered 708 on the Ordnance Survey Map is the land the subject of the reference. This land was later transferred to the present Luton Borough Council by Local Authorities (England) (Property etc.) Order 1973 (S.I. 1973 No. 1861).

On this evidence I am satisfied that the Luton Borough Council is the owner of the land, and I shall accordingly direct the Bedfordshire County Council, as registration authority, to register the Borough Council as the owner of the land under section 3(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

20th

day of

July

1982

C. J. Quibb

Chief Commons Commissioner