



COMMONS REGISTRATION ACT 1965

Reference Nos 16/U/82
16/U/83
16/U/84

In the Matter of (1) Collin's Green (southern end), (2) land adjoining (west of) Camps Green and (3) Hay Green (part adjoining Ducks Green), Therfield, North Hertfordshire District, Hertfordshire

DECISION

These references relate to the question of the ownership of land known as (1) Collin's Green (southern end), (2) land adjoining (west of) Camps Green and (3) Hay Green (part adjoining Ducks Green), Therfield, North Hertfordshire District being the lands comprised in the Land Section of Register Unit (1) No CL. 157 (2) No CL. 158 and (3) No CL. 159 in the Register of Common Land maintained by the Hertfordshire 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 lands in question and no person claimed to have information as to their ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the lands at Hertford on 7 June 1978. At the hearing The Church Commissioners were represented by Mr P D Limbach solicitor of Limbach Banham & Co Solicitors of Royston.

Mr Limbach referred me to the provisional order scheduled to and confirmed by the Commons Regulation (Therfield) Provisional Order Confirmation Act, 1988 (51 & 52 Vict.c.clin), and containing this recital:- "and whereas the said Common (meaning lands called or known as Therfield Heath and Greens) with the exception of the Greens known as Ducks Green and Therfield Green, is waste land of the Manor of Therfield of which the Ecclesiastical Commissioners for England are the lords and as such are entitled to the soil of the said Common except as aforesaid..."

Mr Limbach who has lived in Royston (about 3 miles north of these lands) for the last 20 years and is now and has been for the last 5 years one of the Conservators of Therfield Heath and Greens, said:- Mr J C Smailes on whose application these lands were registered, was at the time the clerk of the Conservators. All the lands now in question are part of those administered and managed by the Conservators who are a body established under the said provisional order.

On the evidence summarised above I conclude that these lands are still subject to the said order, and that as thereby contemplated their ownership has ever since been in the Ecclesiastical Commissioners for England or their successors. For this reason I am satisfied that the Church Commissioners are the owners of the lands and I shall accordingly direct the Hertfordshire County Council as registration authority to register The Church Commissioners as the owners 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 26th day of June — 1978

a. a. Boden Fuller

Commons Commissioner