



COMMONS REGISTRATION ACT 1965

Reference No. 16/D/16

In the Matter of Bulls Green,
Tewin, Hertfordshire (NO.2).

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.C.L.148 in the Register of Common Land maintained by the Hertfordshire County Council and is occasioned by the conflicting registration at Entry No.1 in the Land Section of Register Unit No.V.G.70 in the Register of Town or Village Greens maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Hertford on 14th March 1973. The hearing was attended by Mr. P.D. Walters, the Chairman of the Tewin Parish Council, which applied for the conflicting registration, and by Mr. R.F. Norris, solicitor, for the Datchworth Parish Council. Dr. R.M. Puddifoot, who applied for the registration, did not appear and was not represented. Mr. J.M. Barber, who applied for the registration of rights of common over the land in question, was also present at the hearing. Mr. L.G. Tubbs and Mr. R.B. Winn, whose applications in respect of parts of the land in question were noted in the Register, did not appear and were not represented.

Most of the land the subject of the reference lies in the parish of Tewin. There is a small portion in the parish of Datchworth which seems to have been included in the registration in error, for it consists of the sites of several houses and their curtilages. Of the part of the land in the parish of Tewin about half is the subject of the conflicting registration. For the reasons given in In the Matter of Bulls Green, Tewin (No.1), 16/D/15, I have decided to confirm the conflicting registration.

This leaves for consideration the other half of the land in the parish of Tewin, in respect of which there is no objection. This consists of two triangular pieces of land separated by a road. Mr. Barber claimed to be entitled to rights of pasture and of estovers over the whole of the land in the Register Unit attached to his house known as 'Inglefield', but said that he had not exercised such rights over the two triangular pieces of land and that there was no mention of any rights of common in the conveyance by which he acquired his house. I am therefore thrown back onto the statutory declaration in support of the registration. This is to some extent corroborated by a conveyance made 31st December 1969 between (1) Thomas Abel Smith and (2) the Rural District of Hertford, in which it is stated that the land in the parish of Tewin is believed to be common land of the manor of Datchworth. By this conveyance the land was separated from the lordship of the manor, so that it can no longer be waste of the manor, but it is possible that it is subject to some rights of common, even though Mr. Barber has not succeeded in proving the existence of the rights which he has claimed.

Slender as this evidence is, in the absence of any opposition in respect of the two triangular pieces of land it seems to be in the best interests of



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all the parties concerned that I should accept it.

For these reasons I confirm the registration with the following modifications:- namely the exclusion of so much of the land as lies in the parish of Datchworth and so much as is comprised in Register Unit No.V.G.70.

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 30th day of March 1973

Chief Commons Commissioner