



COMMONS REGISTRATION ACT 1965

Reference No. 216/U/18

In the Matter of Bury Mead Recreation
Ground, Stevenage Borough, Hertfordshire

DECISION

This reference relates to the question of the ownership of land known as Bury Mead Recreation Ground, Stevenage Borough being the land comprised in the Land Section of Register Unit No. VG 105 in the Register of Town or Village Greens maintained by the Hertfordshire County Council of which no person is required under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference (1) the Trustees of the Bury Mead Recreation ground claimed (their solicitors' letters of 24 September and 2 November 1979) that they were the freehold owners of the land, it being vested on their behalf in the Official Custodian for Charities and having been let for the past 40 years or so to Stevenage Borough Council; (2) Stevenage Borough Council suggested (letter of 17 September 1979 to the County Council) that the land was vested in the Church Commissioners, the Council holding a lease of it; and (3) Hertfordshire County Council claimed (letter of 18 December 1980) ownership of part (a strip about 90 yards long and 10 yards or less wide) along and within the north part of the west boundary. No other person claimed to be the freehold owner of the land in question or 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 Hertford on 13 January 1981. At the hearing (1) the Vicar and Churchwardens of the Parish (Ecclesiastical) of St Nicholas, Stevenage were represented by Mr D Bruton, solicitor of Hawkins & Co, Solicitors of Hitchin; and (2) Hertfordshire County Council were represented by Miss H Spencer articled clerk in their Legal Department.

Shortly before the hearing the Charity Commission sent an affidavit sworn by Mr M J McManus a high executive officer in their London office saying that they had an extract from the Stevenage Inclosure Award dated 9 May 1854 by which a piece of land containing 6a. 1r. and 11p. was allotted as a place for exercise and recreation for the inhabitants of the Parish of Stevenage, and exhibiting an extract from the Award map therein referred to and a copy of a Scheme made on 13 February 1979 by the Charity Commission for the administration of the Charity comprised in the said allotment.

Miss Spencer produced (1) a conveyance dated 10 April 1931 by which The Reverend Canon C M Smith and Messrs R W Smith and L C Blow as Rector and Churchwardens of St Nicholas' Church conveyed to Hertford County Council the said strip being therein described as the piece of land on the east side of Great North Road "coloured pink on the plan (Nod. 2105A) annexed hereto and thereon numbered 451"; and (2) some explanatory plans.



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Mr Bruton pointed out that under the 1979 Scheme the Vicar and Churchwardens were the custodian trustees of the land therein said to contain 6a. 1r. 11p. and thereby vested in the Official Custodian for Charities, and he identified the land in this Register Unit (in the Register said to contain 1.416 hectares or 3.50 acres) with the west part of plot 50 on the Award map shown as adjoining or near to "Stevenage and Biggleswade Turnpike Road". He did not dispute that by the 1931 conveyance the strip claimed by the County Council was vested in them for the purpose (therein stated) of widening and improving the Great North Road.

On the evidence summarised above I am satisfied that the County Council and the Official Custodian are the owners of the land in accordance with the said evidence, and I shall accordingly pursuant to section 8(2) of the Act of 1965 direct Hertfordshire County Council as registration authority to register themselves as owners of so much if any of the land in this Register Unit as is coloured pink on the said plan annexed to the said 1931 conveyance and thereon numbered 451 and to register the Official Custodian for Charities as the owner of the remainder of the said land.

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 January 1981

a. a. B. Fuller

Commons Commissioner