



COMMONS REGISTRATION ACT 1965

Reference No.16/U/27

In the Matter of Chapmore End pond and
the surrounding triangular piece of
ground, Bengoe Rural Parish, Hertford R.D.,
Hertfordshire

DECISION

This reference relates to the question of the ownership of land known as Chapmore End pond and the surrounding triangular piece of ground, Bengoe Rural Parish, Hertford Rural District being the land comprised in the Land Section of Register Unit No.V.G.72 in the Register of Town or Village Greens 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 Mrs. M. A. Chapman Walker claimed to be owner of the land and Mr. J. Barlex stated that it was owned by the Bengoe Rural Parish Council; no other person 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 Hertford on 26 October 1972.

The hearing was attended by the Bengoe Rural Parish Council who were represented by their clerk Mr. J. Martindale. Mrs. Chapman Walker neither attended nor was represented although in her answer to the questionnaire sent to her from the office of the Commons Commissioners she stated that it was her intention to attend or be represented.

Mr. Martindale who has been clerk of the Parish Council since 1968 gave evidence. He had been informed at a meeting of the Council held on the 17 October 1972 that two trees were planted on this land to celebrate the Jubilee of His Majesty King George V and a further tree planted to celebrate the Coronation of His Majesty King George VI. He said that it appears from the minutes of the Council: (1 February 1960) with reference to a fence erected by the Highway Authority to prevent cows entering the pond (on the west side where the pond abuts on the carriageway), the Council decided to record that at no time could any claim be made to the Village Green or any part of the same by the erectors of the fence; (21 March and 7 November 1960) with reference to certain conditions required by the Parish Council, Dr. Monica Chapman Walker was to be requested to acknowledge or consent to them and (November 1961) with reference to a fence for which Mr. G. Roberts had asked permission he was to be requested to give an assurance that he would make no claim to the Green. He, Mr. Martindale, had been unable to find any reply to these requests. In October 1968 he had written a letter with reference to a single strand barbed wire fence erected across the land near the north end of the pond; this fence was left up because it prevented cows driven to and from Chapmore End Farm from and to the field on the north, getting on to the southern and tidier end of the land the subject of this reference.



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It seems to me that the concern of the Parish Council for this land as described to me by Mr. Martindale falls short of showing that they are the owners of it; for these reasons, I am not satisfied that any person is the owner of the land. However, that I am against the Parish Council on this aspect of this case may not be of any practical consequence, because I am by sub-section (3) of section 8 of the Act required to direct, and I shall accordingly direct the Hertfordshire County Council as registration authority, to register Bengeo Rural Parish Council as the owner of the land under such sub-section.

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 3rd day of November 1972.

a. a. Baden Fuller

Commons Commissioner