



COMMONS REGISTRATION ACT 1965

Reference No 16/U/65

In the Matter of Colney Heath
Common, Colney Heath, St Albans
City and District, Hertfordshire

DECISION

This reference relates to the question of the ownership of the part ("the Referred Land") hereinafter defined of land which is known as Colney Heath Common, Colney Heath, St Albans City and District and which is the land comprised in the Land Section of Register Unit No CL. 93 in the Register of Common Land maintained by the Hertfordshire County Council. The land ("the Unit Land") so registered is (according to the Register map) a L-shaped piece, the east-west part of which is about half a mile long and mostly about 200 yards or a little more wide, and the north-south part (approximately triangular) is about 1/3rd of a mile long and at its widest about 300 yards wide. The Unit Land surrounds an area (not included in the registration) of a little under 8 acres in the Register map called "Colneyheath Mill (Disused)". In the Rights Section at Entry No 1 is registered a right attached to Colney Heath Farm to graze up to 10 bullocks or heifers, and in the Ownership Section at Entry No 1 is registered the ownership of Colney Heath Parish Council of all the Unit Land except that coloured pink on the Register map, being (according to such map) some comparatively small narrow strips on either side of Coursers Road where such road runs just within the northern half of the east boundary of the Unit Land. The Referred Land is the land so coloured pink, being the part of the Unit Land of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

When making this reference, the Hertfordshire County Council claimed (memorandum dated 17 February 1972) ownership of the Referred Land. Following upon the public notice of this reference 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 7 June 1973. At the hearing Hertfordshire County Council were represented by Mr A Laycock solicitor of the County Secretary's Legal Department and Mr J A Paxton (Rights Section Entry No 1 was made on the application of him as tenant and of his mother Mrs G C Paxton as owner) attended in person.

Mr Laycock said that in 1966 the County Council as highway authority for the purpose of improving Coursers Road purchased strips of land on either side. He produced a conveyance dated 24 January 1966 of some such strip made by H and J James Ltd and a conveyance dated 1 September 1966 of other such strip by Colney Heath Parish Council. He identified the Referred Land from the strips conveyed by the January conveyance; they were apparently part of the above mentioned 8-acre area (with which I am not concerned), and Mr Laycock said that he had only produced this conveyance in case some question arose (which it did not) about the boundary.



On this evidence I am satisfied that the County Council are the owners of the Referred Land, and I shall accordingly direct the Hertfordshire County Council, as registration authority, to register themselves as the owner 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