



COMMONS REGISTRATION ACT 1965

Reference No. 16/U/80

In the Matter of Ducks Green,
Therfield, North Hertfordshire
District, Hertfordshire

DECISION

This reference related to the question of the ownership of land known as Ducks Green, Therfield, North Hertfordshire being the land comprised in the Land Section of Register Unit No CL 117 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 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 7 June 1978. At the hearing St Alban's Diocese Board of Finance were represented by Mr P D Limbach solicitor of Limbach, Banham and Co, Solicitors of Royston.

Mr Limbach produced the Commons Regulation (Therfield) Provisional Order Confirmation Act 1888 (51 and 52 Vict.c.clix) and referred me to my decision dated 10 May 1972 re Therfield Green (reference 16/U/18) and given upon evidence at a hearing on 13 April 1972. He pointed out that such evidence related not only to the land then in question (Therfield Green) but also to that now in question (Ducks Green), and said that the only relevant change since 1972 has been that there is now no Rector of Therfield, the living being vacant (there are sequestrators).

In 1972 I concluded that both these lands were vested in the Rector of Therfield and his successors as an ecclesiastical corporation sole. During the hearing there was some discussion as to this being correct and after the hearing Limbach Banham and Co (letter dated 15 June 1978) drew my attention to Section 15 of the Endowments and Glebe Measure 1976 under which Glebe land is vested in the Diocesan Board of Finance, the words "glebe land" being widely defined and "land" being defined as including a manor. For the reasons set out in my 1972 decision and having regard to the measure, I am satisfied that the Board as Successors of the Rector are the owners of the land and I shall accordingly direct the Hertfordshire County Council as registration authority to register the St Alban's Diocesan Board of Finance as the owners of the land under section 8(2) of the Act of 1965.



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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 21st — day of July — 1978

a. a. Baden Fuller

Commons Commissioner