



COMMONS REGISTRATION ACT 1965

Reference No. 16/U/9

In the Matter of King George's Playing FieldHigh Wych, HertfordshireDECISION

This reference relates to the question of the ownership of land known as King George's Playing Field, High Wych, being the land comprised in the Land Section of Register Unit No. V.G.16 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 High Wych Parish Council claimed to be the freehold owner of the land in question and Mrs. K.M. Buxton, the Department of Education and Science and the Charity Commissioners 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 12th April 1972.

On behalf of the High Wych Parish Council evidence (which I accept) was given by Mr. P.K. Fuller who is and has been for the last 3 years Clerk of the Council and has lived in the adjoining parish for the last 20 years, and by Mr. L.A.C. Helmer who is and has been since 1947 (except during a short illness) Chairman of the Council. They produced a conveyance dated 10th October 1938 which was held by the Council.

The conveyance was made between J.F. Buxton ("the Donor") and the High Wych Parish Council ("the Council"). It recited that the Donor was the estate owner in respect of the fee simple of the hereditaments thereafter described and was desirous of conveying the same to the Council in manner thereafter appearing. It was by the conveyance witnessed that the Donor conveyed the piece of land therein described (which I identify as the same as the land in question in this reference) to the Council in fee simple to be held by them as public ground for the purpose of the Physical Training and Recreation Act 1937 and to form part of the National Memorial for his late Majesty King George V upon trust to permit the same to be used in perpetuity as a playing field and recreation ground to be called King George's Field for the benefit of the inhabitants of the parish of High Wych and the immediate neighbourhood. The conveyance contained among other provisions not now relevant a provision about management; this management provision was by an agreement dated 6th December 1940 and endorsed on the conveyance altered so as to provide that the entire care and management should be transferred to the Council as therein mentioned.

Mr. Fuller and Mr. Helmer said that so far as they could remember and they believed ever since the conveyance, the land had been used (and was now being used) as a playing field and recreation ground in accordance with the conveyance and that the Council had maintained it and also provided equipment.



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Bircham & Co, solicitors appearing for Mrs. K.M. Buxton said she was concerned to see that a piece of land which she owned and which was under some agreement between her and the Council used ~~as part of~~ the playing field and recreation ground comprised in the conveyance of 10th October 1938 should not be inadvertently included in the Register as owned by the Council. A comparison of her deeds with the conveyance and with the copy of the Register and the Register Map on my file showed that the piece of land had not been so included and her solicitors agreed that no modification of the Register was necessary to protect her rights.

The Charity Commissioners (who were acting in co-operation with the Department of Education and Science) sent to the Clerk an affidavit sworn on 6th April 1972 by a Deputy Charity Commissioner, exhibiting a copy of the conveyance of 10th October 1938 and stating that the trust was duly entered on the Register of Charities by the Minister of Education on 2nd April 1963 and remains on such register. The affidavit was to the same effect (although less detailed) as the evidence given to me by Mr. Fuller and Mr. Helmer.

For these reasons I was satisfied that High Wych Parish Council is the owner of the land, and I shall accordingly direct the Hertfordshire County Council, as registration authority, to register High Wych Parish Council as the owner of the 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.

a. a. Bacon

Dated this 23rd day of April 1972.

Commons Commissioner