



COMMONS REGISTRATION ACT 1965

Reference No. 216/U/92

In the Matter of land known as Upper Green, Tewin

## DECISION

This reference relates to the question of the ownership of land known as Upper Green Tewin being the part of the land comprised in the Land Section of Register Unit No. VG. 58 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 Tewin Borough Council 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 2 February 1988.

The hearing was attended by Mrs R Pike, Solicitor of Hertfordshire County Council and Mrs P Brown Clerk of Tewin Parish Council.

The land was registered as a Village Green upon the application of Tewin Parish Council. There are no subsisting entries in the rights section of the register.

Ownership of the greater part of the land is already finally registered in the name of Hertfordshire County Council. There are two small parcels ownership of which is not registered, and this inquiry relates to those parcels.

The unclaimed parcel on the eastern side of the land ownership of which is registered in the County Council is known as Maypond Green. It formerly included a pond, which I understand was filled in in about 1948. The Parish Council claimed ownership of this parcel, on the ground that it has been maintained by the Parish Council for many years and the grass has been regularly mowed by the Council's employee.

The County Council however produced a Lease dated 25th June 1947, whereby it demised to the Parish Council the greater part of the unit land for a term of 99 years at a rent of 5/-, to the intent that it be held by the Parish Council upon the trusts set out in section 10 of the Open Spaces Act, 1906. The plan annexed to that Lease clearly includes the eastern parcel of the unit land which I have referred to as Maypond Green. It follows that the title of the Parish Council to this parcel is leasehold only.

The County Council then produced a Conveyance dated 29th September 1946 between (1) Charles Rice Iltyd Nicholl Robert Pollock and Henry Earle Manisty and (2) the County Council. This Conveyance conveyed to the County Council in consideration of the sum of £10 all the estate and interest which the vendors had in the land identified on the plan annexed thereto. This plan is very similar to, but is not identical with, the plan annexed to the Lease of 1947. I am satisfied however that it does include all the Maypond Green area.



By itself a conveyance of all such estate and interest as the vendors have in certain land is not a sufficient root of title. Nevertheless the Parish Council has maintained the Maypond Green area under the Lease granted by the County Council for many years past. Adding these factors together, I am satisfied that the County Council can now make a good title to this area. No-one present at the hearing contested this conclusion.

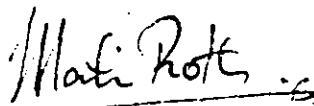
The other area of unclaimed land is a small triangular parcel immediately to the west of the land ownership of which is already registered in the County Council. This is not included in the land conveyed by the Conveyance of 1946 or in that demised by the Lease of 1947. No-one present at the hearing laid any claim to this small parcel of land. On this evidence I am not satisfied that any person is the owner of the westerly triangular parcel.

It will therefore fall to be registered in the Parish Council pursuant to Section 8(3) of the Act of 1985.

I shall accordingly direct the Hertfordshire County Council as registration authority, to register itself as the owner of the easterly parcel referred to as Maypond Green and to register Tewin Parish Council as owner of the westerly triangular parcel pursuant to Sections 8(2) and 8(3) respectively of the 1965 Act.

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 22<sup>nd</sup> day of February 1988



Commons Commissioner