



COMMONS REGISTRATION ACT 1965

Reference No. 216/U/90

In the Matter of land known as Verges of
Queen Hoo Lane and Tewin Hill, Tewin

DECISION

This reference relates to the question of the ownership of the land known as Verges of Queen Hoo Lane and Tewin Hill Tewin being the part of the land comprised in the Land Section of Register Unit No. CL.149 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 one 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 2nd February 1988.

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

The land was registered as common land upon the application of Dr R M Puddifoot. There are rights registered by D W Hale and Dr. Puddifoot, and all these registrations are now final.

In the ownership section of the register D W Hale is registered as owner of the part of the land comprised in this register unit lying east of the red line A-B on the register map, and this registration is final.

The Commons Commissioners prior to the hearing received a letter from Mrs Jacqueline Beadle of Queen Hoo Lane saying that it would be in the best interest of the community if "the Council" were to be the owners of the verges.

Mrs Brown said that the Parish Council would like to claim ownership, but she could offer no evidence of maintenance of the land by the Council. There had been an encroachment about 6 years ago, and at the request of the Council a hedge had been moved. Apart from this she was unable to give evidence of any acts of ownership.

There was no opposition to the claim of the Parish Council, but the single act relied on is clearly insufficient to establish a possessory title. Nevertheless my decision that I am not satisfied that any person is the owner of the unclaimed part of this register unit will result in it being placed in the protection of the Parish Council.

On this evidence I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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

22nd

day of

February

1988

Marti Roth

Commons Commissioner