



COMMONS REGISTRATION ACT 1965

Reference No. 216/U/105

In the Matter of land known as Waterside, London Colney

DECISION

This reference relates to the question of the ownership of the land referred to above being the land comprised in the Land Section of Register Unit No. VG. 17 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 the London Colney Parish Council 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 St. Albans on Tuesday 16 January 1990.

At the hearing Mr Hubert Chester Gibbons (clerk) represented the London Colney Parish Council and Miss A Pegrum represented the Hertfordshire County Council.

Mr Gibbons, who has been clerk to the Parish Council for 31 years, gave a careful account of the dealings of the Council with this village green over that period. It appears that, being unable to discover who was the owner of the land, the Council on 23 March 1962 passed a resolution to take control of the land and thereafter to maintain it as a public walk for the benefit of the parish by virtue of their powers under section 8(1)(b) and (i) of the Local Government Act 1894. The Parish Council proceeded to bring the unit land back into a proper state and the work done included the erection of a dwarf brick wall along the north-western edge of the area taken over by the Council.

Mr Gibbons claimed that since 12 years had passed the Parish Council had acquired a possessory title under the Limitation Act. It seemed to me doubtful whether the Council by carrying out work under statutory powers had made themselves liable to an action for possession which could become statute barred so as to extinguish the estate of the true owner under that Act.

I accordingly asked Mr Gibbons if, since there were no other claimants, he would be content that his Council should be registered as owner under section 8(3) of the Act. He agreed and I shall accordingly direct the County Council, as registration authority, to register the London Colney Parish Council as the owner of the land under section 8(3) 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

17th

day of

January

1990

Peter Landon-Davis

Chief Commons Commissioner