



In the Matter of Manorial Waste, Shenley,
Hertfordshire

DECISION

This reference relates to the question of the ownership of manorial waste, Shenley, being the part of the land comprised in the Land Section of Register Unit No. CL 296 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 or under the Land Registration Acts 1925 to 1966 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 9 October 1984.

At the hearing the Hertsmere District Council was represented by Mrs L M Homer, Solicitor.

The land the subject of the reference consists of a more or less rectangular area to the north-west of the Black Lion public house and a strip of verge on the south side of Rectory Lane and on the west side of Pound Lane (otherwise known as The Folly). The land behind the strip of verge was conveyed to the former Rural District Council of Elstree by a Conveyance made 31 January 1956 between (1) The Cannon Brewery Company Ltd (2) The Rural District Council of Elstree. Although the land behind the verge is defined on the plan annexed to the Conveyance by a red line, this does not, in my view, exclude the usual presumption where there is a strip of waste land between a highway and an adjoining close as between the lord of the manor and the owner of the adjoining close the waste land and half the soil of the roadway belongs to the owners of the close.

On this evidence I am satisfied that the Hertsmere District Council as the successor of the former Elstree Rural District Council is the owner of the strip of verge and I shall accordingly direct the Hertfordshire County Council, as registration authority, to register the Hertsmere District Council as the owner of the land under section 8(2) of the Act of 1965.

In the absence of any evidence I am not satisfied that any person is the owner of the land to the north-west of the Black Lion public house, which 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 11~~th~~ day of October 1984

G. S. L. Quibb

Chief Commons Commissioner