



COMMONS REGISTRATION ACT 1965

Reference No. 216/U/4

In the Matter of Recreation Ground
in Therfield, North Hertfordshire
District, Hertfordshire

DECISION

This reference relates to the question of the ownership of land known as Recreation Ground in Therfield, North Hertfordshire District being the land comprised in the Land Section of Register Unit No. VG 69 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 Conservators of Therfield Regulation 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 15 January 1981. At the hearing The Conservators of Heath and Green Therfield Regulation were represented by Mr P D Limbach solicitor of Limbach Banham & Co., Solicitors of Royston; and Hertfordshire County Council were represented by Miss H Spencer articled clerk in their Legal Department.

Mr J C Smailes who is now and has for the last 13 or 14 years been Clerk to the Conservators, on the course of his evidence produced (1) a copy of the Commons Regulation (Therfield) Provisional Order Confirmation Act 1888 \longrightarrow (51 & 52 Vict. ch.clix); (2) A printed copy of the Award dated 19 and confirmed 21 April 1893; and (3) the map next to the Award. He identified the land in this Register Unit with that tinted yellow in the Award map, and by the Award (therein said to contain 4 a. 2 r. 3p.) vested in the Conservators in trust as a public recreation ground.

Mrs Spencer produced a conveyance dated 24 February 1975 by which the said Conservators conveyed to Hertfordshire County Council an area of 250 square metres or 300 square yards and situated along and within the west boundary of the land in this Register Unit, ~~the~~ required ~~strip~~ understood for the purposes of road widening.

On the evidence summarised above I am satisfied that the Conservators and the County Council together own land in accordance with the documents produced, and I shall accordingly pursuant to Section 8(2) of the Act of 1965 direct the Hertfordshire County Council as registration authority (1) ~~to~~ register The Conservators of Therfield Heaths and Greens of No. 39 Melbourne Road, Royston, Hertfordshire as the owners of all the land except the strip next hearing after mentioned; and (2) Register themselves Hertfordshire County Council as owners of the strip having an area of about 300 square yards and more particularly delineated and described on the plan annexed to a conveyance dated 4 February 1975 and made between the said Conservators and the said Council and thereon coloured pink.

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 18th — day of February — 1981.

a. a. Baden Fuller

Commons Commissioner