

COMMONS REGISTRATION ACT 1965



Reference No. 216/U/29

In the Matter of Roadside Waste, Shenley,  
Hertfordshire

DECISION

This reference relates to the question of the ownership of roadside Waste, Shenley, being the land comprised in the Land Section of Register Unit No. CL 298 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 the Hertfordshire County 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 6 May 1983.

At the hearing the County Council was represented by Mr M L Dowler, Solicitor and the Hartsmere Borough Council by Mr J M Wells, Solicitor.

A part of the land the subject of the reference was conveyed to the former Hertfordshire County Council by a conveyance made 25 May 1962 between (1) Joan Gabrielle Theresa Charlotte Martin and John Paul James Scammell (2) The County Council of the Administrative County of Hertford. Mrs Martin and Mr Scammell were the personal representative of Edward Walter Martin, who died on 11 October 1952 seised in fee simple in possession of the waste lands of the lordship of the manor of Shenley Bury. The land comprised in the parcels of this conveyance was acquired for the purpose of carrying out works of widening and improving or preserving the amenities of a highway and was transferred to the present County Council by the Local Authorities (England) (Property etc) Order 1973 (S.J. 1973 No. 1861).

On this evidence I am satisfied that the Hertfordshire County Council is the owner of part of the land, and I shall accordingly direct the County Council, as registration authority, to register itself as the owner of the land under section 8(2) of the Act of 1965.

In the absence of any further evidence I am not satisfied that any person is the owner of the remainder of the land, 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

5th

day of

December

1983

Chief Commons Commissioner