



In the matter of Sand Pit Lane Waste;
St. Albans

DECISION

This reference relates to the question of the ownership of land described above being the part of the land comprised in the Land Section of Register Unit no. CL.239 in the Register of Common Land maintained by the Hertfordshire County Council of which no person is registered as owner under section 4 of the Commons Registration Act 1965 or under the Land Registration Acts.

Following upon the public notice of this reference the Trustees of Earl Spencer's Family Trusts ("the claimants") claimed to be the freehold owners of the land in question and the County Council claimed ownership of a small section of the land.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Hertford on 18 February 1986.

At the hearing Miss Sheila Cameron Q.C., appeared on behalf of the claimants. The County Council was represented by Miss A Pegram.

The land comprised in this unit No. CL.239 consists of small areas or strips adjoining the north and south sides of Sandpit Lane which lies in the middle of a largely built up area of, *or near*, St. Albans. The Lane's western end joins Sandridge Road and is not far from Bernard's Heath: the pieces of land comprised in CL.239 have an aggregate area of about 4.5 acres. The claimants have claimed ownership of Bernard's Heath and the evidence given in support of that claim is summarised in my Decision (Ref: 216/U/66) concerning Bernard's Heath (CL.241). A considerable part of that evidence is applicable to the present claim to CL.239 and need not, I think, be repeated in detail in this Decision.

As part of the evidence given by Mr R J Stanley, Land Agent to the claimants, he produced a Manorial Roll containing references to the wastes of the Manors of Sandridge and of New Lane or New Lane Squillers. He states that from the evidence of the Manorial records the wastes of the Manor of Sandridge and New Lane Squillers were vested in the Lord of the Manor. The Manorial Roll he produced has a number of references, in the years 1813, 1829 and 1860, to the Lord of the Manor of Sandridge and the ownership of the Sandridge Land being in him and, in 1870, to the then Earl Spencer as Lord of the Manor of New Lane otherwise New Lane Squillers.

In 1915 a Scheme was made under the Commons Act 1899 and approved by the Board of Agriculture and Fisheries for the regulation of Roadside Wastes in Sandpit Lane forming portions of the waste of the Manors of New Lane Squillers and Sandridge and for their management by St. Albans Town Council. Notice of the scheme had been duly given to Earl Spencer as Lord of the Manor. The plan of the roadside wastes attached to the Scheme corresponds with the area of CL.239.



-2-

The Scheme contained no provision affecting the then existing ownership of CL.239, and the evidence adduced satisfies me that this ownership was vested in the sixth Earl Spencer as Lord of the Manor.

The subsequent devolution of title is set out in my Decision (Ref: 216/U/66) concerning CL.241 and need not I think be repeated here. The Vesting Deed of 29 March 1926 made in favour of the seventh Earl includes in the scheduled list of properties the manor of Sandridge with Walmonds and messuages farms and lands situate in the parish of Sandridge. The list does not include a specific reference to the Manor of New Land Squillers, but the parcels as described in the body of the Vesting deed include not only the scheduled list of properties but all other property capable of being vested by the Deed and then subject to the ^{Trust} ~~limits~~ of the will of the sixth Earl, being the will which created the Settlement under which the seventh Earl was tenant for life. The Claimants are the Settled Land trustees to whom the title to the property vested in the seventh Earl at his death in 1975 has now passed.

There are four very small pieces of land in CL.239 not comprised in the present claim. Three of these are registered freehold under the Land Registration Acts and the ownership of these ("the LRA pieces") is outside the scope of this inquiry and of my decision. The fourth piece is claimed by the County Council by virtue of a Conveyance dated 5 June 1934 whereby William B Nott dedicated as highway and conveyed to the Council a strip of land part of which lies on the north side of Sandpit Lane and to the east of the south eastern corner of Marshalwick Lane. It is not clear whether this part, or the whole of it, is ~~in~~ included in CL.239 or may have become highway; the part claimed by the Council is shown on an enlarged plan produced by Miss Pegram. After some discussion the Claimants conceded ownership of this part as shown on that plan ("the County Council part") to the Council.

Mr Ian G Barnett, Solicitor, who since 1973 has acted on behalf of the Spencer Family Trusts, produced the documents dealing with the devolution of title since 1910, and he stated in evidence that since the death of the seventh Earl in 1975 there has been no vesting assent in respect of the Lordships of Sandridge or New Lane Squillers or of any freeholds in or around St. Albans: as appears from the Decision concerning CL.241 I am satisfied that the title is now vested in the Claimants, John Chandos-Pole, John Anthony Floyd and Guy Hugo Southern.

I shall accordingly direct the Hertfordshire County Council, as registration authority, to register, under section 8 (2) of the Act of 1965, itself as the owner of the County Council part and the Claimants as the owners of the remainder of the land in question (other than the LRA pieces).



-3-

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

8th May

1986

L. J. Morris Smith

Commons Commissioner.