



COMMONS REGISTRATION ACT 1965

Reference No 16/U/36

In the Matter of School Lane  
Land, Welwyn, Welwyn and Hatfield  
District, Hertfordshire

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DECISION

This reference relates to the question of the ownership of land known as School Lane Land, Welwyn, Welwyn and Hatfield District being the land comprised in the Land Section of Register Unit No VG. 90 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 Welwyn Rural District Council said (their clerk's letter of 14 March 1972) that they owned the land under a conveyance dated 3 September 1930. No other person claimed to be the freehold owner of the land in question or to have information as to its ownership.

The Chief Commons Commissioner Mr G D Squibb QC held a hearing for the purpose of inquiring into the question of the ownership of the land at Hertford on 17 March 1973. It having been said that the said conveyance had been lost, he adjourned the proceedings for it to be found. I held a hearing for the purpose of inquiring into the question of the ownership of land at Hertford on 8 June 1978. At this hearing (1) Welwyn Hatfield District Council were represented by Mrs A E Baptist articled clerk with Mr Longmore solicitor of Longmores, Solicitors of Hertford, and (2) Welwyn Parish Council were represented by Mr W Bonner their clerk.

Mrs Baptist produced the said 1930 conveyance; by it Miss A A Wilshere in consideration of the covenants therein contained conveyed to Welwyn Rural District Council (they being desirous of acquiring the lands thereby conveyed for the purpose of a Housing Scheme and open space) the lands first 1a.2r.20p. north of School Lane, secondly 1a.1r.10p. south of School Lane and thirdly 0a.3r.21p. south of School Lane, and the Council covenanted with Miss Wilshere (among other things) to keep the land thirdly described as an open space.

Mr P A Maidment who was from 1947 to 1974 clerk of the Parish Council and was at one time clerk of Welwyn Rural District Council said that the lands first and secondly conveyed by the 1930 conveyance were acquired to build 20 houses (originally known as Swanfield Cottages); he understood that Miss Wilshere at first objected to selling and then after some discussion gave all the lands on the terms that the lands thirdly conveyed should be an open space (as provided by the above mentioned covenant). The land in this Register Unit is this open space land. The Parish Council do not wish to claim it, considering that it is the rightful property of the District Council.

On the evidence summarised above I am satisfied that the District Council (as successors of Welwyn Rural District Council) are the owners of the land, and I shall accordingly direct the Hertfordshire County Council, as registration authority, to register Welwyn Hatfield District Council as the owner of the land under section 8(2) 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 26<sup>th</sup> day of June — 1978

a. a. Baden Fuller

Commons Commissioner