



COMMONS REGISTRATION ACT 1965

Reference No.16/U/55

In the Matter of Shothanger Common,
Hemel Hempstead, Hertfordshire.

DECISION

This reference relates to the question of the ownership of land known as Shothanger Common, Hemel Hempstead, being the land comprised in the Land Section of Register Unit No.C.L.22 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 Boxmoor Trustees claimed to be the freehold owners of the land in question and the Charity Commissioners 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 18th January 1973.

At the hearing Mr. R.T. Hodder, solicitor, appeared for the Boxmoor Trustees, and the Charity Commissioners submitted affidavit evidence.

By section 1 of the Act 49 Geo.III, c.clxix (Local and Personal) certain lands known as Boxmoor in the parish of Hemel Hempstead were vested in trustees on trust for the best use and advantage of the inhabitants of Hemel Hempstead and Bovington. By section 15 of the Act provision was made for the appointment of a perpetual succession of trustees by a majority of the inhabitants. The persons for the time being acting as trustees under the Act are commonly known as the Boxmoor Trustees. The charity known as the Boxmoor Estate sometimes referred to as the Boxmoor Trusts has been entered in the Register of Charities in accordance with section 4 of the Charities Act 1960.

By an indenture dated 25th February 1880 the Ecclesiastical Commissioners for England conveyed to the then Boxmoor Trustees the land the subject of this reference. The land in question was conveyed to the present trustees with the other property of the Trust by a conveyance dated 10th July 1970.

On this evidence I am satisfied that the Boxmoor Trustees are the owners of the land, and I shall accordingly direct the Hertfordshire County Council, as registration authority, to register the Trustees as the owners 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 31st day of January 1973

Chief Commons Commissioner