



In the Matter of The Five Ponds close to the
Road between Park Farm and Clayhill, Wigginton,
Hertfordshire

DECISION

This reference relates to the question of the ownership of Five Ponds close to the road between Park Farm and Clayhill, Wigginton, being the land comprised in the Land Section of Register Unit No. CL.320 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 Wigginton Parish Council, Mr R W Penny, and the Eastern Electricity Board claimed to be the freehold owners of parts 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 12 February 1985. At the hearing the Eastern Electricity Board was represented by Mr V P McLoughlin, Solicitor, and the Vicar of Wigginton by Mr D Cheetham, Solicitor.

Although described in the Land Section of the Register Unit as "five ponds", none of the land comprised in the Register Unit is now a pond, though each was allotted as a public watering place by the Wigginton Inclosure Award made 16 August 1854 under the Second Annual Inclosure Act 1852, such allotments being made to the Churchwardens and Overseers of the Poor of the Parish in accordance with section 73 of the Inclosure Act 1845. Such land was transferred to the Wigginton Parish Council by the Overseers Order 1927 (S.R. & O. 1927 No.55).

The site of one of these public watering places at Wigginton Bottom was conveyed to the Eastern Electricity Board by a Conveyance made 9 September 1977 between (1) The Parish Council of Wigginton (2) The Eastern Electricity Board. The Board has retained part of this land as the site of a sub-station and conveyed the remainder to Mr D D Jacques by a Conveyance made 9 September 1977 between (1) The Board (2) Daniel Douglas Jacques. Mr Jacques then conveyed his part of the land to Mr Penny and his wife by a Conveyance made 26 May 1978 between (1) D D Jacques (2) Rodney William Penny and Marian Catherine Penny his wife.

The site of another pond on the South side of Vicarage Road was claimed on behalf of the Vicar of Wigginton. This claim was supported by an affidavit made by Ms M E W Gurney, who has lived in the parish of Wigginton for many years and has been a member of the Parochial Church Council of Wigginton since 1969. Ms Gurney stated that a pond in the vicarage garden had formed part of the garden for the last thirty years and more. The situation of the pond is shown on a plan exhibited to the affidavit, which



-2-

shows clearly that the site of this pond is not included in the land the subject of the reference.

On the evidence before me I am satisfied that the Eastern Electricity Board, Mr and Mrs Penny and the Wigginton Parish Council are the owners of parts of the land, and I shall accordingly direct the Hertfordshire County Council, as registration authority, to register them as the owners of their respective parts 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

15~~th~~

day of

March

1985

A handwritten signature in cursive script, appearing to read 'G. D. Smith'.

Chief Commons Commissioner