



COMMONS REGISTRATION ACT 1965

Reference No. 16/U/4

In the Matter of The Village GreenNorthaw, HertfordshireDECISION

This reference relates to the question of the ownership of land known as The Village Green, Northaw being the land comprised in the Land Section of Register Unit No. V.G.8 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 the Northaw Parish 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 12th April 1972.

On behalf of the Northaw Parish Council Mr. W.G. Morris who was and had been for the last 6 years Clerk of the Council, had previously been a member of the Council since 1935 and had resided in the village since 1925 (he is now aged 69), gave evidence to this effect: It was the belief of the Council that the land had been conveyed to the Council in the year 1938 by Mrs. Arthur who was then the Lady of the Manor, that the conveyance had been sent to the then Chairman of the Council and that on his death it could not be found. Nobody knew what was in the conveyance except what could be deduced from a letter dated 2nd June 1938 written by the Chairman of the Council to the then Clerk saying that Mrs. Arthur was willing "to transfer the rights in connection with the Village Green" and a letter dated 7th March 1972 to the witness from Mrs. Arthur saying that "the manorial rights in connection with the Village Green were passed on to the Parish Council provided that they kept it in reasonable condition. I should think that June 1938 would be the month and year that this was done". The witness deposed to various acts done on the land by the Council since 1938.

No other evidence was adduced by the Council in support of their claim.

On the evidence of Mr. Morris I am uncertain whether a conveyance such as he mentioned was ever made or, if made whether it was a conveyance of the land to the Council in fee simple by a person who was, when the conveyance was made, estate owner in respect of the fee simple of the land; and also uncertain whether the various acts of the Council described by Mr. Morris were adverse to the title of the true owner.

For these reasons I am not satisfied that the Northaw Parish Council or any other person is the owner of the land. However under subsection (3) of section 8 of the Act I am obliged to direct the registration as the owner of the land the local authority specified in subsection (5), which in this case is the Northaw Parish Council. I shall accordingly direct the Hertfordshire County Council as registration authority in pursuance of subsection (3) to register the Northaw Parish Council as the owner of the land.



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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.

a. a. Baden Fuller.

Dated this 23rd day of April 1972

Commons Commissioner