



COMMONS REGISTRATION ACT 1965

Reference No. 216/U/95

In the Matter of those pieces of land known as
Waterford Marsh and Little Marsh, Stapleford

DECISION

This reference relates to the question of the ownership of the above mentioned land being part of the land comprised in the Land Section of Register Unit No. CL.90 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 no person claimed to be the freehold owner of the land in question and the persons mentioned below 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 2nd February 1988.

The hearing was attended by Mrs R Pike, Solicitor of Hertfordshire County Council, Mr J Postings, Solicitor on behalf of East Hertfordshire District Council and Mr A Jordan Chairman of Stapleford Parish Council.

This land was registered upon the application of Hertfordshire Rural District Council. There are four rights entries in the register, all of which are final. There are no entries in the ownership section of the register, but there is a note on the register to the effect that the whole of the land comprised in this register unit with exception of the area to the south-west of the red line A-B on the register map and the two opposing small pieces of land projecting into the railway embankment have been registered under the Land Registration Acts 1925 and 1936. It therefore only falls for me to determine the ownership of these three very small parcels of land.

In a letter dated 1st June 1987 to the Commons Commissioners the Clerk to Stapleford Parish Council wrote to the effect that the piece of land to the south-west of the red line A-B belongs to East Hertfordshire District Council and the other pieces to British Rail. In response to an inquiry by the Commons Commissioners, East Hertfordshire District Council wrote on the 11th June 1987 that the land in question does not appear to belong to that Council. In reply to a similar inquiry, British Rail Property Board wrote on the 17th June 1987 that the two small pieces of land by the railway embankment are not, and never have been, in the ownership of the Board.

I was told that the tunnel under the railway embankment, to which access is obtained by the small strips of land on either side, is still in use.

Mr Postings confirmed that East Hertfordshire District Council made no claim to any of this land.



On this evidence I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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

3rd

day of

March

1988

Mati Rott

Commons Commissioner