

COMMONS REGISTRATION ACT 1965



Reference No. 201/U/8

In the Matter of The Moor, Luton, Bedfordshire

DECISION

This reference relates to the question of the ownership of land known as The Moor, Luton, being the land comprised in the Land Section of Register Unit No. CL 65 in the Register of CommonLand maintained by the Bedfordshire 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 no one 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 Bedford on 7 July 1982.

At the hearing the Luton Borough Council was represented by Mr A Heighen, Solicitor, who asked me to defer my decision until a part of the land in question had been vested in the Bedfordshire County Council. The Clerk of the Commons Commissioners was informed by the County Secretary and Solicitor in a letter dated 15 May 1984 that the procedures for vesting part of the land in the County Council had been investigated, and in the circumstances it had been decided that it would not be possible to execute a vesting assent in favour of the County Council in respect of any part of the land.

The land the subject of the reference was allotted to the owners and proprietors of several messuages, cottages, tofts, lands, tenements and hereditaments in lieu of rights of common on Luton waste lands by the award dated 20 January 1810 made under the provisions of the Luton Inclosure Act of 1808 (48 Geo. III, c.22 (private, not printed)).

The land in question became a common within the meaning of the Inclosure Acts 1845 and 1882, and by a provisional order confirmed by the Commons Regulation (Luton) Provisional Order Confirmation Act 1894 (57 and 58 Vict., c. xliii) the general management of the land was vested in the former Luton Corporation.

Since the inclosure award provided that the allotments in lieu of rights of common should be stocked and depastured in common by the several owners and proprietors, the land falls within para. 2 of Part V of the First Schedule to the Law of Property Act 1925 and so became vested in the Public Trustee on 1 January 1926.

On this evidence I am satisfied that the Public Trustee is the owner of the land, and I shall accordingly direct the Bedfordshire County Council, as registration authority, to register him 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

12th

day of

June

1984

G. J. L. Smith
Chief Commons Commissioner