



COMMONS REGISTRATION ACT 1965

Reference No.16/D/15

In the Matter of Bulls Green,
Tewin, Hertfordshire (No.1).

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.V.G.70 in the Register of Town or Village Greens maintained by the Hertfordshire County Council and is occasioned by the conflicting registration at Entry No.1 in the Land Section of Register Unit No.C.L.148 in the Register of Common Land maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Hertford on 14th March 1973. The hearing was attended by Mr. P.D. Walters, the Chairman of the Tewin Parish Council which applied for the registration. Dr. R.M. Puddifoot, who applied for the conflicting registration, did not appear and was not represented. Mr. J.M. Barber, who applied for the registration of rights of common over the land in question, was also present at the Hearing. Mr. Barber did not object to this registration, provided that his claim to rights of common would not thereby be prejudiced. Since section 1(1) expressly provides for the registration of rights of common over land which is a town or village green, the confirmation of this registration could not prejudice any rights which Mr. Barber may have.

Although there is no effective opposition to this registration, the evidence to support it is extremely meagre. Apart from the scintilla of evidence in the statutory declaration made at the time of the registration, which is contradicted by that made at the time of the registration of the conflicting registration, Mr. Walters was not able to do more than rely on the name Bulls Green and to tell me that horse riding had taken place on the land for "a long time", which he put at more than 20 years. The name of a piece of land is often an unsure guide to its legal status and this is particularly so in this case, for in a conveyance dated 31st December 1969 between (1) Thomas Abel Smith and (2) the Rural District Council of Hertford the name of Bulls Green is applied to land in the adjoining parish of Datchworth, the land the subject of this reference being described as "part of the Woodhall Estate near Bulls Green". It is true that on the plan attached to the conveyance the name Bulls Green appears twice, on the land in the parish of Datchworth and at the southern extremity of the land the subject of this reference, but having regard to the wording of the parcels I find myself unable to rely on the name in arriving at my decision. However, it is possible for the horse riding to have been done in the exercise of some legal right and although I cannot attach more than minimal weight to this evidence, I find it just sufficient to enable me to accept the statutory declaration in support of this registration rather than that in support of the conflicting registration.

I am fully conscious that this evidence is as light as gossamer, but the only alternative to accepting it would be to reject both registrations. This would not be in the interests of the inhabitants of the locality nor



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would it be welcomed by Dr. Puddifoot, who made the conflicting registration.

For these reasons I confirm the registration.

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 **30~~th~~** day of March 1973

A handwritten signature in black ink, appearing to read 'C. J. Smith', written over a horizontal line.

Chief Commons Commissioner