



In the Matter of Manorial Waste near  
Bovingdon Green, Bovingdon, Hertfordshire

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DECISION

This reference relates to the question of the ownership of land known as Manorial Waste near Bovingdon Green, Bovingdon, being the part of the land comprised in the Land Section of Register Unit No. CL 204 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 Mr N G Halsey and the Trustees of the Bovingdon Green Manorial Waste Trust claimed to be the freehold owners of the land in question or parts thereof, 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 6 May 1983.

At the hearing Miss C R Carpenter, Solicitor, appeared for the Trustees, Mr T M Green, and Mr and Mrs M Malmatenios, and there was no appearance by or on behalf of Mr Halsey.

The land the subject of the reference consists of three strips adjoining two roads. The strip along the eastern side of one of the roads was conveyed to Mr and Mrs E S Phillips by a conveyance made 2 November 1961 between (1) Sir Thomas Edgar Halsey, bt (2) Edwin Seymour Phillips and Violet Murial Phillips. By a deed dated 21 February 1967 the joint tenancy in equity of Mr and Mrs Phillips was severed and a memorandum of severance pursuant to section 1 of the Law of Property (Joint Tenants) Act 1964 was endorsed on the conveyance. Mr Phillips died on 25 June 1979, and his will was proved on 1 October 1979 by Ms S E Jarratt and Mr G A B Ward. Mr and Mrs Phillips having disposed of parts of the land conveyed to them in 1961, the remainder was conveyed to the Trustees of the Bovingdon Green Manorial Waste Trust by a conveyance made 10 September 1982 between (1) V M Phillips, Susan Elizabeth Jarratt, and Graham Albert Bell Ward (2) Leslie William Martin, David Bernard Delany, John Edward Minting and John Michael James Garner.

One of the areas of land disposed of by Mr and Mrs Phillips lies between the road and a house called Red Lion Cottage. This was conveyed by a conveyance made 7 July 1975 between (1) E S Phillips and V M Phillips (2) Thomas Martin Green.

Another area of land immediately to the north of that conveyed to Mr Green was conveyed by a conveyance made 23 April 1974 between (1) E S Phillips and V M Phillips (2) Sidney Alfred Perkins. This area was then conveyed to Mr and Mrs Malmatenios by a conveyance made 11 September 1975 between (1) S A Perkins (2) Michael Malmatenios and Doreen Jeannet Malmatenios.

On this evidence I am satisfied that the Trustees, Mr Green and Mr and Mrs Malmatenios are the owners of parts of the land, and I shall accordingly direct the Hertfordshire County Council, as registration authority, to register



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those persons as the owners of those parts of the land under section 8(2) of the Act of 1965.

In the absence of any evidence regarding the present ownership of the remainder of the land the subject of the reference, I am not satisfied that any person is the owner of it 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

7<sup>th</sup>

day of

July

1983

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

Chief Commons Commissioner