



In the Matter of Roadside Waste between Well
End and the Barnet By-Pass, Shenley and
Elstree, Hertfordshire

DECISION

This reference relates to the question of the ownership of the roadside waste between Well End and the Barnet Bypass, Shenley and Elstree, being part of the land comprised in the Land Section of Register Unit No. CL 299 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 or the Land Registration Acts 1925 to 1966 as the owner.

Following upon the public notice of this reference the Hertfordshire County Council claimed to be the freehold owner of part 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 9 October 1984.

At the hearing the Hertfordshire County Council and the Hertsmeire District Council were represented by Mrs L M Homer, Solicitor.

The land the subject of the reference consists of strips on the sides of the road leading from Well End to the Barnet Bypass. Several of these strips were conveyed to the former Hertfordshire County Council by a Conveyance made 25 May 1962 between (1) Joan Gabrielle Theresa Charlotte Martin and John Paul James Scammell (2) The County Council of the Administrative County of Hertford. Another small strip to the west of the Lord Nelson public house lies between the road and two parcels of land and a portion of the roadway being a part of Alexandra Road which were conveyed to the former Rural District Council by a Conveyance made 24 April 1947 between (1) Ernest George Spiers (2) The Rural District Council of Elstree. This Conveyance must be presumed to have included the strip of land between the road and the land described in the parcels of the Conveyance. The land the subject of these Conveyances was transferred to the Hertfordshire County Council and the Hertsmeire District Council respectively by the Local Authorities (England)(Property etc) Order 1973 (S.J.1973 No. 1861).

On this evidence I am satisfied that the County Council and the District Council are the owners of parts of the land, and I shall accordingly direct the Hertfordshire County Council, as registration authority, to register itself and the District Council as the owners of their respective parts of the land under section 9(2) of the Act of 1965.

In the absence of any further evidence I am not satisfied that any person is the owner of the remainder of the land the subject of the reference, which will therefore remain subject to protection under section 9 of the Act of 1965.



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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.

Dated this

11th

day of

October

1984

A handwritten signature in cursive script, appearing to read 'E. D. L. Quibba'.

Chief Commons Commissioner