



COMMONS REGISTRATION ACT 1965

Reference No.16/U/22

In the Matter of the Recreation Ground,
Hoddesdon U.D., Hertfordshire

DECISION

This reference relates to the question of the ownership of land known as the Recreation Ground, Hoddesdon Urban District being the land comprised in the Land Section of Register Unit No.V.G.49 in the Register of Town or Village Greens 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, the Department of Education and Science in a letter dated 20 March 1972 said that they might have information as to ownership but no other person claimed to have any such information.

I held a hearing for the purpose of inquiring into the question of ownership of the land at Hertford on 26 October 1972.

At the hearing the Hoddesdon Trustees (sometimes called "the Hoddesdon Trustees of Open Spaces and Recreation Grounds") a body incorporated by the Broxborne and Hoddesdon Open Spaces and Recreation Grounds Act 1890, 53 & 54 Vict. ch. xlvi were represented by Mr. J. Heeke solicitor of Messrs. Longmores solicitors of Hertford.

By the 1890 Act after reciting that H. J. S. and C. J. W. S. Bosanquet ("the Bosanquets") claimed that the fee simple of the lands which were therein specified and were of freehold tenure stood limited to such uses as the Bosanquets should appoint and that all the lands coloured yellow on the map therein mentioned were of freehold tenure, it was enacted (section 6) that the Hoddesdon trustees should be a body corporate with power by such names to hold land, and (section 8) that the piece of land containing 10 acres or thereabouts and situated in the parish of Hoddesdon coloured yellow on the said map and described in the second part of the First Schedule should be vested in the Hoddesdon trustees for all the estate therein which the Bosanquets had power to appoint.

Evidence was given (affidavit sworn 9 October 1972) by Mr. E. Cooper who is a Higher Executive Officer employed at the office of the Charity Commissioners and (orally before me) by Mr. J. E. Gray who is the chairman of the Hoddesdon trustees and has lived in the Village all his life.

Mr. Cooper said that in August 1972 the Charity Commissioners were supplied by the County archivist to the County Council with a copy of the relevant part of the map referred to in the 1890 Act, that comparison of such map with the Register Map showed that the land mentioned in section 8 of the 1890 Act to all intents and purposes identical with the land comprised in this Register Unit, and that the Recreation Ground was entered on the Register of Charities in accordance with section 4 of the Charities Act 1960 on 27 January 1965 and remains on such Register.



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Mr. Gray also identified the land referred to in section 8 of the 1890 Act with the land comprised in this Register Unit. The land is now a public open space, of which about one third is used as a football ground and the remainder used by the inhabitants for playing games, picnics, exercising dogs and so forth. It is administered by the Hoddesdon trustees and as far as Mr. Gray knew nobody else had ever claimed adversely to them.

On the above evidence I am satisfied that the Hoddesdon trustees are the owners of the land and I shall accordingly direct the Hertfordshire County Council as registration authority to register the Hoddesdon trustees (as more particularly described in the fourth paragraph of this decision) as the owner of the land under subsection 8(2) of the 1965 Act.

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 2nd day of November 1972.

A. A. Bacon *Bacon*

Commons Commissioner