



COMMONS REGISTRATION ACT 1965

Reference No. 216/U/89

In the Matter of the tract of land known as
Berkhamsted Common (near Gravel Pits)

DECISION

This reference relates to the question of the ownership of the above land being the part of the land comprised in the Land Section of Register Unit No. CL.69 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 the Berkhamsted Golf Club Trustee Limited claimed to be the freehold owner 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 2nd February 1988.

The hearing was attended by Mrs R Pike, Solicitor, of Hertfordshire County Council, the registration authority and Mr R T Hodder, Solicitor of Messrs. Smeathmans of Hemel Hempstead, appearing for the Berkhamsted Golf Club Trustee Limited.

This land was registered as common land upon the application of Berkshamsted District Council. The area of the land comprised in this registration was noted on the register as comprising 0.48 hectares (1.19 acres).

There are no rights registered. Entry No. 1 in the ownership section of the register shows Cooper, McDougal & Robertson Ltd registered as owners of 0.498 acres of the land being O.S. No. 270. The Edition of the Ordnance Survey Map referred to is the 1938/9 Edition of the large scale map Herts Sheets XXX111 1, 2, 5 and 6. O.S. 270 is the part of the unit land to the west of the path which diagonally bisects it.

A previous inquiry was held by a Commons Commissioner on the 6th June 1978, when the Commissioner was not satisfied that any person was the owner of the remaining land comprised in this register unit, and it therefore remained subject to protection under Section 9 of the Act of 1965.

Mr Hodder produced the original of a Conveyance dated 30th November 1928 between (1) Brownlow Richard Christopher Tower Lionel Henry Cust Humphrey John Talbot (2) Edwin Williams and (3) The Berkhamsted Golf Club Trustee Limited. By this Conveyance some 490 acres of Berkhamstead Common were conveyed on sale to the Company. The premises were described in the First Schedule thereto and delineated in red on the map annexed thereto.

Mr Hodder directed my attention to Ordnance No. 105 in the First Schedule, there described as "Part of Common" with an area of 6 acres 3 roods and 11 perches. He pointed out O S No. 105 on the plan attached to the Conveyance. This is (of course) based on a much earlier edition of the Ordnance Survey map than that of 1938/9, and the O S Numbers are entirely different.



It is not easy to correlate the land shown on these maps with the unclaimed part of the land shown on the register map with any degree of precision. No-one however contested the claim of the Company, and I am therefore prepared to allow it.

On this evidence I am satisfied that the Berkhamsted Golf Club Trustees Limited is the owner of the land, and I shall accordingly direct the Hertfordshire County Council, as registration authority, to register it 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

3rd

day of

March

1988

Mati Rote

Commons Commissioner