



COMMONS REGISTRATION ACT 1965

Reference Nos 16/D/19  
16/D/21

In the Matter of Bulls Green,  
Tewin, Hertfordshire (No.5).

DECISION

These disputes relate to the registration at Entry No.2 in the Rights Section of Register Unit No.V.G.70 in the Register of Town or Village Greens maintained by the Hertfordshire County Council and are occasioned by Objection No.70 made by the Tewin Parish Council and noted in the Register on 3rd September 1971 and 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. J.M. Barber, who is deemed to have applied for the registration, and by Mr. P.D. Walters, the Chairman of the Tewin Parish Council. Dr. R.M. Puddifoot, who applied for the conflicting registration, did not appear and was not represented.

Mr. Barber claimed to be entitled to rights of pasture and of estovers over the land the subject of the reference attached to his house, known as 'Inglefield'. He said that in the exercise of such right he had grazed three goats on the land. Mr. Walters, on the other hand, said that he had never seen goats grazing on this land. Both Mr. Barber and Mr. Walters seemed to me to be truthful witnesses, each trying to give his evidence fairly. I have, therefore, come to the conclusion that Mr. Barber has grazed goats on the land and that Mr. Walters has not observed this being done. This, however, is not sufficient to prove Mr. Barber's case. There is no mention of any right of common in the conveyance by which he acquired his house. Furthermore, Mr. Barber has only been grazing his goats since 1964 and there is no evidence that his predecessor in title did so. There has accordingly been too short a period of enjoyment for Mr. Barber to have acquired a right of common by prescription.

For these reasons I refuse to 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<sup>th</sup> day of March 1973

  
Chief Commons Commissioner