



COMMONS REGISTRATION ACT 1965

Reference Nos. 216/D/32
216/D/33
216/D/34

In the Matter of Tewin Upper Green,
Tewin, East Hertfordshire District,
Hertfordshire

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and at Entry No. 2 in the Rights Section of Register Unit No. CL 188 in the Register of Common Land maintained by the Hertfordshire County Council and to the registrations at Entry No. 1 in the Land Section and at Entry No. 2 in the Rights Section of Register Unit No. VG 56 and are occasioned by Objection No. 71 made by Tewin Parish Council and noted in the Register on 3 September 1970 and by the two Land Section registrations being in conflict.

I held a hearing for the purpose of inquiring into the disputes at Hertford on 28 October 1981. The hearing was not attended by any person entitled to be heard.

Both Land Section registrations are of the same land, being that known as Tewin Upper Green. Both Rights Section registrations are in the same terms, having been made upon an application dated 2 January 1970 and made by Dr Harold Ian Jory and being of a right attached to the Old Rectory to graze 12 head of cattle or horses over the whole of the land in these Register Units. The grounds of the said Objection (to the Rights Section registrations) are: "These rights have never been exercised".

I have two papers dated 23/29 September 1981 both signed by or on behalf of the County Council, the District Council, the Parish Council and Dr Jory: one requesting the Commons Commissioner to refuse to confirm the CL 188 Land Section registration and to confirm the VG 56 Land Section registration; and the other requesting the Commons Commissioner to refuse to confirm the CL 188 Rights Section registration. These two papers considered by themselves leave open the question whether I should or should not confirm the VG 56 Rights Section registration; as to this I have a letter dated 18 June 1981 from Dr Jory in which he says, "I would like to withdraw any claim for rights in these properties"; I conclude that I should be acting in accordance with the wishes of all concerned if I refused to confirm this registration.

In the circumstances above set out, I refuse to confirm the CL 188 Land Section and Rights Section registrations, I confirm the VG 56 Land Section registration without any modification, and I refuse to confirm VG 56 Rights Section registration.

TURN OVER



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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 17th — day of November — 1981

a. a. Baden Fuller

Commons Commissioner