



COMMONS REGISTRATION ACT 1965

Reference No. 216/U/17

In the Matter of the Recreation Ground,
Ashwell, North Hertfordshire District,
Hertfordshire

DECISION

This reference relates to the question of the ownership of land known as the Recreation Ground, Ashwell, North Hertfordshire District being the land comprised in the Land Section of Register Unit maintained by the Essex 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 Commons Open Spaces and Footpaths Preservation Society on whose application the registration was made said (letter dated 12 October 1979) that by the Ashwell Inclosure Award dated 22 July 1862 the land in question was allotted to the Churchwardens and Overseers of the Poor of the Parish in trust as a place for exercise and recreation for the inhabitants of the said Parish and neighbourhood; and Hertfordshire County Council sent a copy of a letter to them dated 9 October 1979 in which Ashwell Parish Council said that the land is owned by them in trust. No other person claimed to be the freehold owner of the land or 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 15 January 1981. At the hearing Ashwell Parish Council were represented by Mr G Coad, solicitor of Balderston Warren & Co, Solicitors of Letchworth.

Mr Coad who has known the land since 1952 and was a member of the Parish Council for 17 years from about 1959 onwards, in the course of his evidence produced the documents specified in the Schedule hereto. He said that the land (in the Register is said to contain 1.627 hectares or 4.02 acres) is used for cricket and sports and is and has for as far as he knew always been managed by the Parish Council.

The documents produced by Mr Coad support the Parish Council's claim to ownership of the land as having been allotted to their predecessor under the 1862 Award and been added to under the 1911 conveyance, and their claim ^{that} such title has been recognised by the Charity Commissioner. ~~Accordingly~~ ^{In this case} I am satisfied that the Parish Council are the owners of the land and I shall accordingly direct the Hertfordshire County Council, as registration authority, to register Ashwell Parish Council as the owners 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.



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SCHEDULE

29 May 1974

Letter from Charity Commissioners mentioning a scheme dated 21 December 1911 made on the application of the Parish Council as trustees and enclosing an extract from the Charity Commissioners unreported volumes setting out extract from the Ashwell Inclosure Award dated 24 July 1862 and confirmed 22 January 1863 with plan.

29 September 1910

Conveyance by Mr E S Fordham to Miss L Bailey.

24 May 1911

Conveyance by Miss L Bailey to Parish Council of land additional to their recreation ground.

21 December 1911

Scheme of the Charity Commissioners.

Dated this 16th

day of February 1981

a a Baden Fuller

Commons Commissioner