



COMMONS REGISTRATION ACT 1965

Reference No.1/U/5

In the Matter of the Green, Toddington,
Luton R.D., Bedfordshire

DECISION

This reference relates to the question of the ownership of land known as the Green, Toddington, Luton Rural District being the land comprised in the Land Section of Register Unit No.V.G.24 in the Register of Town or Village Greens maintained by the Bedfordshire 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 Toddington Parish Council ("the Council") 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 Bedford on 19 October 1972.

The hearing was attended by the Bedfordshire County Council who were represented by Mr. J. Kieran one of their staff and by the Toddington Parish Council who were represented by Mr. S. T. Morris who is the Assistant Secretary of the Bedfordshire Association of Parish Councils.

Mr. Morris produced to me a conveyance dated 3 January 1938 and made between (i) the Lord Bishop of Lincoln ("the Grantor") and (ii) the Council by which after reciting that the Grantor was seised in fee simple of the hereditaments thereafter assured and in order to preserve the Town Hall and the Green for the general good of the Town of Toddington was desirous freely and absolutely of conveying the said hereditaments to the Council subject to the restrictions thereafter mentioned it was witnessed that the Grantor conveyed unto the Council in fee simple "ALL THAT building known as The Town Hall Toddington in the County of Bedford with the rights to the tolls rents and profits of the Green and all other rights of the Grantor in respect of the said Green". Mr. Morris also produced a letter dated 6 October 1961 from the Charity Commissioner acknowledging the registration under the Charities Act 1960 of the charity known as "the Town Hall and Green" of which the governing instrument was a conveyance dated 3 January 1938.

Mr. Morris said that to save expense the Council were not calling any evidence to prove the conveyance and the letter because even if I was not satisfied that the Council was the owner and was therefore unable to direct a registration in their favour under subsection (2) of section 8 of the Act, I was nevertheless, so he submitted if I was not satisfied as to ownership, obliged by subsection (3) of section 8 to direct a registration of the Council as owner.

In the absence of evidence, I am not satisfied that any person is the owner of the land; I accept the submission made by Mr. Morris, and I shall accordingly direct the Bedfordshire County Council as registration authority to register Toddington Parish Council as the owner of the land under section 8(3) of the Act.



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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 2nd day of November 1972.

a. a. Baden Fuller.

Commons Commissioner