

# TRUST DEED

is made the 1st day of

May One thousand nine hundred and seventy-nine

BY WILLIAM HUNTER DARLING of Greys Royston Hertfordshire DUNCAN SCOTLAND  
FERGUSON of 52 Briary Lane Royston aforesaid ALBERT DONALD HULFERRIE of 32  
Knesworth Street Royston aforesaid GEORGE ROBERT DAVID COULTAS KING of  
Fox Hall Kelshall Royston aforesaid DONALD CHARLES KINGSLEY of Tussocks  
Therfield Royston aforesaid PETER DENIS LINBACH of Pippins Green Drift  
Royston aforesaid and FREDERICK HARPER RAND of Mill Corner Para Reed  
Royston aforesaid (hereinafter called "the Trustees" which expression shall  
include any person or persons for the time being holding office as a  
trustee or trustees of this Deed) SUPPLEMENTAL to a Conveyance (hereinafter  
called "the Conveyance") bearing even date herewith and made between the  
Church Commissioners of the one part and the Trustees of the other part.

## WHEREAS :-

(1) Under and by virtue of the Commons Regulation (Therfield) Provisional  
Order Confirmation Act 1888 (hereinafter called "the Act") certain persons  
(hereinafter called "the Conservators") are from time to time elected or  
nominated as the case may be and hold office pursuant to the provisions  
of the Act for the purpose of regulating and managing certain lands being  
waste of the Manor of Therfield situate in the Parish of Therfield in the  
County of Hertford and called or known as Therfield Heath and Greens  
(hereinafter called "the Trust Property")

(2) The Trust Property has hitherto been vested in the Church Commissioners  
as Lords of the said manor of Therfield for an estate in fee simple in  
possession free from incumbrances

(3) The Trustees (being the Conservators holding office at the date of  
this deed) shall be the first Trustees for the purposes of this deed and  
shall hold the Trust Property for the estate aforesaid upon the trusts and  
with the powers and subject to the provisions hereinafter declared and  
contained

## AND THIS DEED WITNESSETH as follows:-

1. THE Trust shall be known as "The Therfield Regulation Trust"
2. THE Trustees shall stand possessed of the Trust Property upon trust  
to hold the same in perpetuity in accordance with the directions of the  
Conservators for such exclusively charitable purposes for public access  
to the Common of Therfield Heath and Greens and public recreation thereon  
as are set out in the Act and for such other charitable purposes analogous  
thereto and consistent therewith (which purposes shall not be capable of

alteration in any way by the trustees) including use of part of the said land by the Bishop's Stortford (1944) Rifle Club registered under Section 4 of the Charities Act 1960 under number 270795 or any other charitable body with similar objects registered as a charity as aforesaid and subject thereto to apply any income therefrom and any monies arising from any lease mortgage or charge thereof for such similar charitable purposes as the trustees may in their absolute discretion (but subject to any directions of the Conservators) from time to time determine

3. THE power of appointing new trustees or a new trustee hereof shall be vested in the Conservators. Such power shall be exercised so far as possible by the unanimous decision of the Conservators but in no case by the affirmative votes of fewer in number than five of them. Such power shall be exercised immediately upon or as soon as possible after the occurrence of a vacancy among the trustees and at such time or times and in such manner as to ensure that at no time shall there be fewer than two trustees. The trustees shall at all times be representative (in as nearly as possible equal proportions) of the Commoners and of the Inhabitant Ratepayers of the Special Drainage District for Royston as defined in the Act

4. THE Trustees shall have power to raise funds and to invite and receive contributions from any person or persons whatsoever by way of subscription donation and otherwise provided that the trustees shall not undertake any permanent trading activities in raising funds for the foregoing charitable purposes

5. IT IS HEREBY AGREED AND DECLARED:-

(1) that the management and regulation of the trust property and of all matters in relation thereto shall be and remain with the Conservators as provided in the Act and the trustees shall have no powers or functions in relation thereto

(2) that nothing herein shall restrict or be deemed to restrict the powers duties and responsibilities of the Conservators in any way and

(3) that if the provisions of the Act and the provisions of this deed other than the charitable purposes set out in Clause 2 hereof shall in any way conflict then the provisions of the Act shall prevail and references herein to the Act shall where the context so admits or requires include references to any regulations or byelaws made under the Act

6. A Conservator who (being a trustee) for any reason ceases to hold office as a Conservator shall ipso facto cease to be a trustee but shall nevertheless be eligible for re-appointment as a trustee

IN WITNESS whereof the parties hereto have hereunto respectively set

their hands and seals the day and year first before written

SIGNED SEALED AND DELIVERED by the said)

WILLIAM HENRY DARLING

DUNCAN SCOTLAND FERGUSON

ALBERT DONALD HUMPHRIS

GEORGE ROBERT DAVID GOWDAS KING

DONALD CHARLES KINGSLEY

PETER DENIS LILBACH

FREDERICK HARPER BLAIR

in the presence of:-

*J. J. Smiles*  
Chk to the Conservators,  
39, Melbourne Road,  
Raydon, Herts  
SG 8 4DF

*Wm. J. King*  
*Duncan S. Fergusson*  
*ASD*

*W. R. D. King*

*W. R. D. King*

*W. R. D. King*

*201 Road*

DAVED

x May

1979

IN THE MATTER OF  
SPRINGFIELD REGULATORY

T R U S T D E E D

**RECEIVED**  
- 2 AUG 1979  
CHARITY  
COMMISSION

04.





## CHAPTER clix.

An Act to confirm a Provisional Order for the Regulation of  
Therfield Heath and Greens, situated in the parish of Therfield, in the county of Hertford, in pursuance of a  
report from the Land Commissioners for England.

A.D. 1888

[7th August 1888.]

**W**HEREAS the Land Commissioners for England did, in pursuance of the Inclosure Acts, 1845-1878, issue, in the year one thousand eight hundred and eighty-eight, the Provisional Order of regulation set forth in the schedule hereto, and in a special report certified that it was expedient that the same should be confirmed by Parliament:

8 & 9 Vict.  
c. 118. &c.

And whereas a Committee of the House of Commons, to which the same Provisional Order was referred, recommended that the same should be confirmed without modification:

And whereas the said regulation cannot be proceeded with without the previous authority of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Provisional Order of regulation set forth in the schedule to this Act is hereby confirmed.

Order in  
Schedule  
confirmed.

2. The Land Commissioners are hereby empowered to sanction the sale or exchange of portions of Therfield Heath, or of the whole or any part of the Greens, except such portion of the Heath as lies near to or adjoins the town of Royston, not exceeding in the whole twenty-five acres, for the purpose of obtaining a recreation ground adjacent to the village of Therfield. Such sale or exchange and the purchase of land with the proceeds of sale may be made either by the valuer or by the Conservators in the matter of the

Provision for  
recreation  
ground for  
Therfield.

[Ch. clix.] *Commons Regulation (Therfield)* [51 & 52 VICT.]  
*Provisional Order Confirmation Act, 1888.*

A.D. 1888. regulation with such sanction as aforesaid. In the case of a sale the purchase money shall be paid to the Commissioners, whose receipt shall be a valid discharge for the same, and the common land sold shall be conveyed by the Commissioners. Any land purchased for a recreation ground shall be vested or conveyed in, to, or in trust for the Conservators, as the Commissioners may direct, and the conveyance shall be sealed by the Commissioners. In the case of an exchange prior to the award of regulation the exchange shall be made by the award. In the case of an exchange subsequent to the award the same shall be by deed to be executed by the Conservators and the persons having power to dispose of the land to be acquired for a recreation ground, and sealed by the Commissioners. The land acquired for a recreation ground shall be vested in the Conservators and be under their management and control and subject to their byelaws for the prevention of or protection from nuisances, and for keeping order. The award of regulation, or such deed of exchange or conveyance, when sealed by the Commissioners as aforesaid, shall be conclusive evidence that the provisions of this section have been duly complied with.

Short title. **3.** This Act may be cited as the Commons Regulation (Therfield) Provisional Order Confirmation Act, 1888.



## SCHEDULE.

A.D.

### PROVISIONAL ORDER for the Regulation of THERFIELD HEATH AND GREENS, HERTFORDSHIRE.

WHEREAS persons interested in certain lands called or known as Therfield Heath and Greens, situate in the parish of Therfield, in the county of Hertford, such lands being a Common within the meaning of the Inclosure Acts, 1845 to 1878, have made application to the Land Commissioners for England to issue a Provisional Order for the regulation of such Common, and to certify that it is expedient that such Provisional Order should be confirmed by Parliament:

And whereas it has been made to appear to the said Commissioners that the persons making the said application represent at least one third in value of such interests in the said Common as are proposed to be affected by the Provisional Order:

And whereas the said Commissioners, having taken the said application into consideration, were satisfied that a *prima facie* case had been made out, and that regard being had to the benefit of the neighbourhood as well as to private interests, it was expedient to proceed further in the matter, and accordingly ordered a local inquiry to be held by an Assistant Land Commissioner:

And whereas the said Assistant Commissioner, having caused public notice to be given as required by the said Acts, held, pursuant to the said notice, public meetings at the Fox and Duck Inn, in the said parish of Therfield, on the 15th day of December 1887, at eleven o'clock in the morning, and at the Bull Hotel, in the town of Royston, on the 16th day of December 1887, at seven o'clock in the evening, to hear all persons desirous of being heard on the subject-matter of the said application, and any information or evidence which might be offered in relation thereto, and inquired into the correctness of the statements in the said application, and otherwise into the expediency of making the Provisional Order applied for, and into the nature of the provisions to be inserted in such Provisional Order:

And whereas the said Assistant Commissioner inspected the said Common as required by the said Acts:

And whereas the said Assistant Commissioner duly reported in writing to the said Commissioners the result of the local inquiry and of the public meetings held by him, together with the information obtained by him as to the several particulars in the said application, and all other information required by the said Acts, and annexed to his report a sketch map of the said Common, a copy of which map is deposited in the office of the said Commissioners:

And whereas the said Common, with the exception of the Greens known as Ducks Green and Therfield Green, is waste land of the Manor of Therfield, of which the Ecclesiastical Commissioners for England are the lords, and as such

[Ch. clix.] *Commons Regulation (Therfield) [51 & 52 Vict.]*  
*Provisional Order Confirmation Act, 1888.*

A.D. 1888. are entitled to the soil of the said Common except as aforesaid, and the said Greens known as Ducks Green and Therfield Green are waste land of the Manor of Therfield Rectory, of which the Rector of Therfield is the lord, and as such is entitled to the soil of such Greens :

Now, therefore, in pursuance of the powers given to us by the said Acts, We the Land Commissioners for England, being satisfied that, having regard to the benefit of the neighbourhood as well as to private interests, the regulation of the said Common is desirable, have framed, for the consideration of the persons interested, this our Draft Provisional Order, specifying the provisions for "adjustment of rights" and for "improvement" which are to be put in force, and the terms and conditions on which, provided the necessary consents are given thereto, We are prepared to certify that it is expedient the Provisional Order should be confirmed by Parliament; that is to say :

That, for the "adjustment of rights," the following provisions be put in force, that is to say, provisions for—

The determination of the persons by whom, the stock by which, and the times at which the right of common of pasture is to be exercised :

The determination of any rights and settlement of any disputes relating to boundaries, rights in the soil or in the produce of the soil, or otherwise, should any such disputes be found to exist :

and such other of the provisions of the Commons Act, 1876, relating to adjustment of rights as may be found applicable.

That, for "improvement," the following provisions be put in force, that is to say, provisions for—

The draining, manuring, and levelling of the said Common, or of any part thereof, as may be found necessary or desirable :

The planting of trees on parts of the said Common, or in any other way improving or adding to the beauty of the same :

The making of byelaws and regulations for the prevention of, and protection from nuisances, and for keeping order on the said Common :

The general management of the said Common :

The appointment, from time to time, of Conservators of the said Common, for the purposes aforesaid, such Conservators to be one person nominated by the lords of the manor of Therfield, the rector for the time being of the parish of Therfield, three persons elected by the commoners entitled to rights of pasture upon the said Common, and three persons elected by the inhabitant ratepayers of the special drainage district for Royston.

That, with a view to the benefit of the neighbourhood, the following provisions be made part of the terms and conditions of this Order, that is to say:—

That there be reserved to the inhabitants of Therfield, Royston, and the neighbourhood, at all times, a right of free access to the said Common, and a privilege of playing cricket and other games, and of enjoying reasonable recreation thereon, subject to such byelaws as may be, from time to time, made by the Conservators, and confirmed by the Secretary of State :

That the rifle range on Therfield Heath be continued for the use of the local rifle volunteer corps, who have hitherto used the same, or of any other body, or persons who may hereafter be permitted by the Conservators to use the same.



[51 & 52 VICT.] *Commons Regulation (Therfield)* [Ch. clix.]  
*Provisional Order Confirmation Act, 1888.*

That the Conservators shall have power to take such payments in respect of the exercising of racehorses upon the said Common as they may from time to time agree upon with the owners of the horses, and to regulate such exercising. A

That no turf be cut on the said Common, and that no booths or other erections of any kind be set up thereon, except with the permission and under the superintendence of the Conservators, who shall have power to take payments in consideration of their giving such permission as aforesaid: Provided that no turf shall be cut on the said Common for use elsewhere than in Therfield and Royston.

That the expenses incurred by the Conservators in the execution of their powers and duties shall be defrayed by means of any sums received in respect of the exercising of racehorses or in consideration of their giving permission to cut turf or set up booths or other erections on the said Common, and of voluntary contributions or any other moneys applicable to the purpose that may come into the hands of the Conservators.

That, subject to the provisions as to cutting turf herein contained, this Provisional Order be without prejudice to the rights of the lords of the respective manors of Therfield and Therfield Rectory in the turf and soil of the said Common, and in the mines, minerals, stone, and other substrata under the same.

That for the purpose of giving complete effect to this Provisional Order, and to enable the Conservators to carry out their duties in the most efficient manner, there shall be inserted in the award to be made in pursuance of the said Acts such provisions for the election of Conservators and for filling up vacancies, and such other provisions not inconsistent with such Acts, as the said Land Commissioners shall think desirable and proper.

In witness whereof we have hereunto affixed our official seal this  
twenty-fifth day of February one thousand eight hundred and  
eighty-eight.

L.S.

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To all to whom these Presents shall come,  
I, William Taylor Rowley, of Royston, in  
the County of Cambridge, Land Surveyor,  
send Greeting.

WHEREAS a Provisional Order for the Regulation under the Provisions of the Inclosure Acts 1845 to 1878 of Therfield Heath and Greens (hereinafter COLLECTIVELY CALLED "THE COMMON") situate in the parish of Therfield, in the county of Hertford, has been confirmed by the Commons Regulation (Therfield) Provisional Order Confirmation Act, 1888, and by the said Provisional Order it was provided among other things that for the purpose of giving complete effect to such Provisional Order, and to enable the Conservators thereby authorized to be appointed to carry out their duties in the most efficient manner, there should be inserted in the Award to be made in pursuance of the said Acts such provisions for the election of Conservators and for filling up vacancies, and such other provisions not inconsistent with such Acts as the Land Commissioners for England should think desirable and proper.

AND WHEREAS the powers and duties of the Land Commissioners for England were by the Board of Agriculture Act 1889 transferred to the Board of Agriculture.

AND WHEREAS Alfred Nash, of Royston, aforesaid was duly appointed the Valuer in the matter of the said Regulation, and having made the declaration required by the said Acts duly held all necessary meetings and drew up and sent to the Board of Agriculture his report in writing in the matter of the said Regulation with map thereto annexed.

AND WHEREAS the said Alfred Nash departed this life before his duties as such Valuer were duly performed.

AND WHEREAS I the said William Taylor Rowley have been duly appointed the Valuer in the said matter in the stead of the said Alfred Nash and have made the declaration required by the said Acts and in all other respects complied with the provisions of the said Acts.

AND WHEREAS all such objections as have been made to the said Report having been heard and all such enquiries having been made in relation thereto as the Board of Agriculture have thought fit the said Board have authorised and directed me to cause to be drawn up and engrossed on parchment my Award in the matter of the said Regulation.

AND WHEREAS the Board of Agriculture have by an Order under their seal by virtue of the power vested in them in that behalf by the said Acts directed that the lands in

respect of which rights are hereby set out shall not be comprised or shown on the map hereunto annexed.

NOW KNOW ye that in pursuance of the provisions of the said Acts and by virtue of the powers and authorities in me vested I the said William Taylor Rowley the Valuer as aforesaid do make and declare this to be my Award in the matter of the said regulation, and to this my Award I have annexed the Map referred to by the said report, on which Map the Common is delineated by an edging of green colour.

AND I DECLARE that in pursuance of the said Confirmation Act and with the sanction of the Board of Agriculture, and with the consent in writing of Francis John Fordham, of Royston, aforesaid Esquire, I have set out allotted and awarded unto the said Francis John Fordham all that part of Therfield Heath TINTED RED on the Map hereunto annexed and containing by admeasurement 25a. Or. Op. in exchange for all that piece or parcel of old inclosed freehold land adjacent to the village of Therfield tinted Yellow on the said Map and containing by admeasurement 4a. 2r. 35p. which said last mentioned piece or parcel of land is in pursuance of such Act and with such sanction and such consent as aforesaid vested in the Conservators of the Common in trust as a public recreation ground, and is under their management and control and subject to their Bye-laws as hereinafter mentioned.

AND I DECLARE that in pursuance of the said Provisional Order so confirmed as aforesaid there is reserved to the inhabitants of Therfield Royston and the neighbourhood at all times a right of free access to the Common and a privilege of playing cricket and other games and of enjoying reasonable recreation thereon subject to such Bye-laws as may be from time to time made by the Conservators and confirmed by the Secretary of State, and that in further pursuance of such Provisional Order the Rifle Range on Therfield Heath shall be continued for the use of the local Rifle Volunteer Corps who have hitherto used the same or of any other body or persons who may hereafter be permitted by the Conservators to use the same subject to such regulations as the Conservators may make.

AND I FURTHER DECLARE that in pursuance of the said Provisional Order no turf shall be cut on the Common and no booths or other erections of any kind shall be set up thereon except with the permission signified in writing and under the superintendence of the Conservators who shall have power to take payments in consideration of their giving such permission as aforesaid. Provided that no turf shall be cut on the Common for use elsewhere than in Therfield and Royston, and that subject to the aforesaid Provisions as to cutting turf this Award shall be without prejudice to the



rights of the Lords of the respective Manors of Therfield and Therfield Rectory in the turf and soil of the Common and in the mines, minerals, stone and other substrata under the same.

AND I DECLARE that for the adjustment of rights in respect of the Common I have determined that the same is subject to the following rights of Common, that is to say

**THERFIELD HEATH.**—To 791 stints, or rights of pasture, which may be exercised from the 15th of April to the 1st November in every year, all of which said stints or rights are set out, allotted and awarded among the several persons hereinafter set forth. And I further declare that 4 sheep shall be deemed a full stint and that 2 lambs shall be deemed equivalent to 1 sheep up to the first day of July in each year.

PROVIDED NEVERTHELESS that the Conservators if at any time they shall be of opinion that the condition of the Heath would admit of an increase of the rights of pasture thereon or would require a diminution of such rights, shall have the power by notice in writing on the Church doors and at the Post Offices at Royston and Therfield to direct that the number of sheep to be admitted to the Heath be increased or, as the case may be, diminished rateably to such extent as they shall think fit. Provided also that the Conservators by the like notice may make regulations as to the marking of the sheep.

AND I FURTHER DECLARE that sheep only shall be allowed to depasture on the Heath.

**THE GREENS.**—To such right of pasture (for horses and cattle, but not sheep) to be exercised by such persons being inhabitant householders of the parish of Therfield at such times, in such manner, and subject to such regulations as to marking and otherwise as the Conservators may from time to time, by such notices aforesaid, determine and appoint.

AND I DECLARE that for the improvement of the Common the following provisions shall be in force, that is to say—

**THE general management of the Common shall be and is hereby vested in a body of eight Conservators.**

**THE first Conservators shall be the following persons, namely:**

William Henry Lees, of Sandon Bury, near Royston, who has been nominated by the Lords of the Manor of Therfield; the Rev. John Godwin Hale, rector of the said parish of Therfield; Francis John Fordham, of Royston; John Phillips, of Baldock, in the County of Hertford; and Lyons R. Walcott, No. 1, Gray's Inn Place, Gray's Inn, London, who have been elected by the Commoners entitled to rights of pasture upon Therfield Heath; and Rivers Richard Smith,

George Walter Howard, and Walter Charles Titchmarsh, all of Royston, who have been elected by the inhabitant Ratepayers of the Special Drainage District for Royston. One of the said first Conservators elected by the said Commoners and one of the said first Conservators elected by the said inhabitant Ratepayers shall go out of office in the month of February next following the confirmation of this Award and one of those elected by each of such bodies in the month of February in each of the two succeeding years.

AT some meeting of the Conservators held before the month of February next following the confirmation of this Award, it shall be determined by lot which of the Conservators as aforesaid shall go out of office in the said month of February and which in the month of February in each of the two succeeding years.

THE Conservators other than the first shall be one person nominated by the Lords of the Manor of Therfield, the Rector for the time being of the said parish of Therfield, three persons elected by the Commoners entitled to rights of pasture as aforesaid, and three persons elected by the inhabitant Ratepayers of the said Special Drainage District for Royston.

THE said William Henry Lees and any Conservator nominated by the Lords of the Manor of Therfield shall hold office until his nomination is revoked or another is nominated in his place, and any fresh nomination shall be intimated in writing by the Lords of the Manor to the Clerk of the Conservators.

THE term of office of the elected Conservators, except as aforesaid, shall be three years, and the Conservator elected by the said Commoners and by the said Inhabitant Ratepayers respectively, who has been longest in office without re-election, shall go out each year.

ELECTIONS of Conservators in the place of those going out of office shall be made by the said Commoners and by the said Inhabitant Ratepayers at meetings to be held in the month of February in every year and the names of those elected shall be intimated in writing to the Clerk to the Conservators.

THE MEETINGS of the said Commoners for the purpose aforesaid shall be convened by the Clerk to the Conservators by notice published at least fourteen days previously on the Church and Chapel doors, and on such other places in the said parish of Therfield as the Conservators shall direct, and such notice shall be advertised in one or more of the local newspapers as the Conservators shall direct, and the voting power of the Commoners at any such meeting shall be in proportion to the number of stints to which each Commoner is entitled as determined by this Award. The meetings of the said inhabitant Ratepayers shall be convened in the same

manner as meetings of such bodies are by law required to be convened.

ANY outgoing Conservator shall be eligible for re-election.

ANY elected Conservator may at any time if so desirous resign his office on giving notice in writing under his hand of such desire to the Clerk of the Conservators and to the body by whom he was elected.

IN the event of any vacancy in the number of elected Conservators by death, resignation, or otherwise, between the times fixed for election as aforesaid, the remaining Conservators shall be as competent to act as if no such vacancy had occurred. Provided that the body by whom the vacating Conservator was elected shall as soon as conveniently may be, elect some proper person to supply such vacancy, but the person so elected shall retain his office only so long as the vacating Conservator would have retained the same if no vacancy had occurred, and the name of the person so elected shall be intimated in writing to the Clerk of the Conservators.

ANY act of the Conservators shall not be invalidated by reason of there being any vacancy in the number of Conservators.

THE CONSERVATORS may execute any works of draining, manuring, or levelling of the Common, and of the Recreation Ground hereinbefore set out, and may plant trees thereon, or in any other way improve or add to the beauty of the same as they may from time to time deem necessary or proper.

THE CONSERVATORS shall make Bye-laws and Regulations for the prevention of or protection from nuisances, and for keeping order on the Common and on the said Recreation Ground, including the due regulation of the playing of games, such Bye-laws and Regulations being subject to confirmation by one of Her Majesty's Principal Secretaries of State as provided by the said Acts.

ALL Bye-laws and Regulations made and confirmed as aforesaid shall be legibly written or printed on boards of suitable size and placed on such parts of the Common (not less than three) as to the Conservators may appear desirable.

ANY penalty imposed in pursuance of any such Bye-laws as aforesaid shall be paid to the Conservators and be by them applied in aid of the expenses incurred by them in the execution of their duties under this Award.

THE CONSERVATORS may appoint a Clerk, herds, bailiffs, servants, and any other officer or officers as they may deem necessary to act under their directions in the execution of their duties under this Award, and may if they think fit



provide and maintain an office or offices for transacting their business.

THE CONSERVATORS shall meet for the transaction of business at least twice in every year and at such other times as they may deem necessary, and shall elect one of their number to be Chairman to preside at their meetings, at which meetings three shall form a quorum. The Chairman at any meeting shall have a second or casting vote in case of an equality of votes. The summoning of such meetings and the conduct of business thereat shall be subject to such rules as the Conservators may from time to time determine upon, and any documents purporting to proceed from the Conservators and to be signed by the Chairman and counter-signed by the Clerk of the Conservators, shall be received as *prima facie* evidence in all courts and places whatsoever.

THE CONSERVATORS may sue or be sued in the name of their Clerk.

ALL MONEYS payable to the Conservators may be paid to their Clerk whose receipt shall be an effectual discharge for the same.

THE CONSERVATORS shall have power to take such payments in respect of the exercising of racehorses upon the Common as they may from time to time agree upon with the owners of the horses and to regulate such exercising.

THE CONSERVATORS shall as incidental to the general power of management vested in them as aforesaid and in addition to any other rights powers and duties so vested in them have all such rights powers and duties as are by the said Acts or any of them given to or imposed upon Field Reeves, including the power of distraining stock and animals found upon the Common contrary to the Regulations thereof, and of inflicting penalties in respect of such stock and animals.

THE EXPENSES incurred by the Conservators in the execution of their powers and duties under this Award shall be defrayed by means of any sums received in respect of the exercising of racehorses or in consideration of their giving permission as hereinbefore provided to cut turf or set up booths or other erections on the Common, and of voluntary contributions or any other moneys applicable to the purpose that may come into the hands of the Conservators.

AND I FURTHER DECLARE that I have set out all the Stints, or Rights of Pasture, on Therfield Heath so determined as aforesaid among the several persons hereinafter named, being all the persons interested therein in the shares following set opposite to their respective names, which rights I have adjudged and determined to be proportionate to the value of the respective rights and interests of such several persons in the said Heath, that is to say,

I do set out, allot, and award unto

Persons interested, residence and description.	No. of stints or rights of Pasture allotted.	Extent.	Tenure.
BELDAM, VALENTINE, 2, Cloister's Temple, E.C.	55½	a. r. p. 165 2 27	Copyhold of Therfield Manor
BOATMAN'S CHARITY, Trustees of Therfield	6½	18 2 16	Freehold
BROWN, GEORGE, Sandon	12½	87 2 17	Freehold
	5½	17 1 5	Freehold
	4½	12 2 31	Copyhold of Therfield Manor
CATTELL, CHRISTOPHER, Oaklands, Castle Hill, Maidenhead	3	9 0 26	Freehold
CLARK, ROBERT, Therfield	17½	51 2 33	Copyhold of Therfield Manor
FORDHAM, FRANCIS	2½	8 2 1	Freehold
JOHN, Royston	64½	194 2 20	Freehold
	266½	798 3 22	Copyhold of Therfield Manor
	3½	9 2 0	Copyhold of Therfield Rectory Manor
FORDHAM, PERCY, Royston	½	2 2 0	Copyhold of Therfield Manor
FORDHAM, HENRY, Royston	2	5 3 18	Copyhold of Therfield Manor
	½	2 2 0	Freehold
FORDHAM, FREDERICK	4½	12 3 13	Freehold
NASH, Royston	½	0 2 9	Copyhold of Therfield Manor
GATWOOD, GEORGE, Therfield	½	1 0 27	Copyhold of Therfield Rectory Manor
	½	0 3 4	Copyhold of Therfield Manor
GATWOOD, HENRY, Executors of	2	6 0 28	Freehold
GOODMAN, RICHARD, Flitwick Mill, Bedford	½	2 0 16	Freehold
	1	3 0 3	Copyhold of Therfield Manor
HALE, Rev. JOHN GOD- WIN, Therfield Rectory	20½	62 3 2	Freehold
LUKE, SAMUEL, New Zealand	4½	14 0 19	Freehold
LEES, WILLIAM HENRY, Sandon Bury	1	2 3 7	Freehold
	1½	4 3 24	Copyhold of Therfield Manor

Persons interested, residences and description.	No. of stints or rights of Pasture allotted.	Extent.			Tenure.
		a.	r.	p.	
MEXBOROUGH, EARL OF, Nethley Park, Leeds	37 10	111	0	7	Freehold Copyhold of Therfield Manor
OUSELEY, Rev. CANON, SIR FREDERICK AR- THUR GORE, Trustees of	65½ 9½	195	2	9	Freehold Copyhold of Therfield Rectory Manor
	24	71	2	32	Copyhold of Therfield Manor
PHILLIPS, — Royston	69 79	207	1	33	Freehold Copyhold of Therfield Manor
PHILLIPS, DANIEL, Bedfont, Hounslow	1½ 3½	5	2	5	Freehold Copyhold of Therfield Manor
	½	2	0	0	Copyhold of Therfield Rectory Manor
SEDGWICK, Rev., St. Catherine's Hall, Cambridge	3½ ½	10	0	0	Copyhold of Therfield Manor Copyhold of Therfield Rectory Manor
WORTHAM, HALE, Royston	8½	18	2	5	Freehold Copyhold of Therfield Manor
		1	3	24	

In testimony whereof I, the said William Taylor Rowley, have to this my Award, drawn up and engrossed on parchment, set my hand this Nineteenth day of April in the year of our Lord one thousand eight hundred and ninety-three.

W. T. ROWLEY.

In witness and confirmation whereof the Board of Agriculture have hereunto set their official seal this twenty-first day of April in the year of our Lord one thousand eight hundred and ninety-three.

JACOB WILSON,  
Authorised by the President.

L. S.

WALKER AND SONS, PRINTERS, ROYSTON.



## ***The Award***

*This transcription of the parchment document carried out in June 1998 is a true and faithful copy by Paul Palmer clerk to the Conservators of Therfield Heath and Greens*

**Whereas in the Award of the Valuer in the matter of the Regulation of Therfield Heath and Greens in the Parish of Therfield in the County of Hertford dated the Nineteenth day of April one thousand eight hundred and ninety three and confirmed by the Board of Agriculture on the twenty-first day of April one thousand eight hundred and ninety three there are certain errors and omissions and it is expedient that 'Such errors and omissions should be collected and supplied'**

**Now therefore the Board of Agriculture and Fisheries do by virtue of the Agriculture and Fisheries Acts 1889 to 1909 and the Inclosure Acts 1845 to 1899 by this order under their Seal amend the said Award in respect of errors and omissions as aforesaid and accordingly do declare and direct that the particulars set forth therein of "Lands in respect of which claim, allowed and rights allotted" shall be read as if the column headed "Number on Tithe plan" were omitted and as if in the columns headed respectively "Description" and "Extent" there were inserted the words "by reference to the Award dated the Ninth day of May one thousand and eight hundred and forty eight of the Commissioner appointed to divide allot and inclose all the open and common arable meadow and pasture lands and fields in the Parish of Therfield aforesaid"**

**In Witness whereof the Board of Agriculture and Fisheries have hereunto set their Official Seal this Eleventh day of September Nineteen hundred and eleven.**

**LS (signed)**

**R.H.Rew**

**Assistant Secretary**

**The Board of Agriculture and Fisheries hereby Certify this to be a true copy of the, original Order of Amendment**

**In Witness whereof they have, hereunto set their Official Seal this seventeenth day of April nineteen hundred and twelve,**

**(seal) R H Rew  
Assistant Secretary**

To all to whom these Presents shall come.  
I William Taylor Rowley of Royston in the County of Cambridge  
Land Surveyor Send Greeting

Whereas a Provisional Order for the Regulation under the provisions of the Inclosure Acts 1845 to 1878 of Therfield Heath and Greens (hereinafter collectively called "The Common") situated in the Parish of Therfield in the County of Hertford has been confirmed by the Commons Regulation (Therfield) Provisional Order Confirmation Act 1888 and by the said Provisional Order it was provided among other, things that for the purpose of giving complete effect to such Provisional Order and to enable the Conservators thereby authorised to be appointed to carry out their duties in the most efficient manner there, should be inserted in the Award to be made in pursuance of the said Acts such provisions for the election of Conservators and for filling up vacancies and such other provisions not inconsistent with such Acts as the Land Commissioners for England should think desirable and proper \_\_\_\_\_

And whereas the powers and duties of the Land Commissioners for England were by the Board of Agriculture Act 1889 transferred to the Board of Agriculture \_\_\_\_\_

And whereas Alfred Nash of Royston aforesaid was duly appointed the Valuer in the matter of the said Regulation and having made the, declaration required by the said Acts duly held all necessary meetings and drew up and sent to the Board of Agriculture his Report in writing in the matter of the Said Regulation with a Map thereto annexed \_\_\_\_\_

And whereas the said Alfred Nash departed this life before his duties as such Valuer were duly performed \_\_\_\_\_

And whereas I the said William Taylor Rowley have been duly appointed the Valuer in the said matter in the stead of the said Alfred Nash and have made the, declaration required by the said Acts and in all other respects complied with the provisions of the said Acts \_\_\_\_\_

And whereas all such objections as have been made to the said Report having been heard and all such enquiries having been made in relation thereto as the Board of Agriculture have thought fit the said Board have authorised and directed me to cause to be drawn up and engrossed on parchment my Award in the matter of the said Regulation \_\_\_\_\_

And whereas the Board of Agriculture have by an Order under their Seal by virtue of the power vested in them in that behalf by the, said Acts directed that the lands in respect of which Rights are hereby set out shall not be comprised or shown on the Map hereunto annexed \_\_\_\_\_

Now Know Ye that in pursuance of the provisions of the said Acts and by virtue of the powers and authorities in me vested I the said William Taylor Rowley the Valuer as aforesaid do make and declare this --My Award in the matter of the Said Regulation and to this my Award I have annexed the Map referred to by the said Report on which Map the Common is delineated by an edging of green colour

And I declare that in pursuance of the said Confirmation Act and with the sanction of the Board of Agriculture and with the consent in writing of Francis John Fordham of Royston aforesaid Esquire I have, set out allotted and awarded unto the said Francis John Fordham all that part of Therfield Heath tinted red on the, Map hereunto annexed and containing by admeasurement twenty five acres in exchange for all that piece or parcel of old inclosed freehold land adjacent to the village of Therfield tinted yellow on the said Map and containing by admeasurement Four acres two roods and thirty five perches which said last mentioned piece of parcel of land is in pursuance of such Act and with such sanction and such consent as aforesaid vested in the Conservators of the Common in trust as a public recreation ground and is under their management and control and subject to their bye laws as hereinafter mentioned

And I declare that in pursuance of the said Provisional Order so confirmed as aforesaid there is reserved to the inhabitants of Therfield Royston and the neighbourhood at all times a right of free access to the Common and a privilege of playing cricket and other games and of enjoying reasonable recreation thereon subject to such bye laws as may be from time, to time made by the Conservators and confirmed by the Secretary of State and that in further pursuance of such provisional Order the rifle range on Therfield Heath shall be continued for the use of the local rifle volunteer corps who have hitherto used the same or of any other body or persons who may hereafter be permitted by the, Conservators to use the same- subject to such regulations as the Conservators may make \_\_\_\_\_

And I further declare that in pursuance of the said Provisional Order no turf shall be cut on the Common and no booths or other erections of any kind shall be set up thereon except with the permission signified in writing and under the superintendence of the Conservators who shall have power to take payments in consideration of their giving such permission as aforesaid Provided that no turf shall be cut on the Common for use elsewhere than in Therfield and Royston and that subject to the aforesaid provisions as to cutting turf this Award shall be without prejudice to the rights of the Lords of the respective manors of Therfield and Therfield Rectory in the turf and soil of the Common and in the mines minerals stone and other substrata under the same

And I declare that for the Adjustment of Rights in respect of the Common I have, determined that the same is subject to the following rights of common that is to say

Therfield Heath - To seven hundred and ninety one stints or rights of pasture which may be exercised from the fifteenth of April, to the first of November in every year all of which said stints or rights were set out allotted and awarded among the several persons  
Herein set forth

And I further declare that four sheep shall be deemed a full stint and that two lambs shall be deemed equivalent to one sheep up to the first day of July in each year Provided nevertheless that the Conservators if at any time they shall be of opinion that the condition of the Heath would admit of an increase of the rights of pasture thereon or would require a diminution of such rights - shall have the power by notice in writing on the Church doors and at the Post Offices at Royston and Therfield to direct that the number of sheep to be admitted to the Heath be increased or as the case maybe diminished rateably to such extent as they shall think fit Provided also that the Conservators by the like notice may make regulations as to marking the sheep

And I further declare, that — sheep only shall allowed to depasture on the Heath  
The Greens. To such rights of pasture for horses and cattle (but not sheep) to be exercised by such persons being inhabitant householders of the parish of Therfield at such times in such manner and subject to such regulations as to marking and otherwise as the Conservators may from time to time by such notice as aforesaid determine and appoint \_\_\_\_\_

And I declare that for the improvement of the Common the following provisions shall be in force that is to say \_\_\_\_\_  
The general management of the Common shall be, and is hereby vested in a body of eight \_\_\_\_\_



## Conservators

The first Conservators shall be the following persons namely:-William Henry Lees of Sandonbury near Royston who has been nominated by the Lords of the Manor of Therfield, the Reverend John Godwin Hale Rector of the said parish of Therfield, Francis John Fordham of Royston John Phillips of Baldock in the County of Hertford and Lyons R (Walcott of number 1 Grays Inn Place Grays Inn London who have been elected by the Commoners entitled to rights of pasture upon Therfield Heath and Rivers Richard Smith George Walter Howard and Walter Charles Titchmarsh all of Royston who have been elected by the Inhabitant Ratepayers of the special Drainage District for Royston. One of the said first Conservators elected by the said Commoners and one of the Said first Conservators elected by the said Inhabitant Ratepayers shall go out of Office in the month of February next following the confirmation of this Award and one of those elected by each of such bodies in the month of February in each of the two succeeding years

At some meeting of the Conservators held before the month of February next following the confirmation of this Award it shall be determined by lot which of the Conservators as aforesaid shall go out of office in the said month of February and which in the month of February in each of the two succeeding years

The Conservators other than the first shall be one person nominated by the Lords of the Manor of Therfield the Rector for the time being of the said parish of Therfield, three persons elected by the Commoners entitled to rights of pasture as aforesaid and three persons elected by the Inhabitant Ratepayers of the said Special Drainage District for Royston

The said William Henry Lees and any Conservator nominated by the Lords of the Manor of Therfield shall hold office until his nomination is revoked or another is nominated in his place and any fresh nomination shall be intimated in writing by the Lords of the Manor to the Clerk of the Conservators

The term of Office of the elected Conservators except as aforesaid shall be three years and the Conservator elected by the said Commoners and by the said Inhabitant Ratepayers respectively who has been longest in Office without re election shall go out each year

Elections of Conservators in the place of those going out of Office shall be made by the said Commoners and by the said Inhabitant Ratepayers at meetings to be held in the month of February in every year and the names of those elected shall be intimated in writing to the Clerk of the Conservators

The meetings of the said Commoners for the purpose aforesaid shall be convened by the Clerk of the Conservators by notice published at least fourteen days previously on the Church and Chapel Doors and on such other places in the said parish of Therfield as the Conservators shall direct and such notice shall be advertised in one or more of the local newspapers as the Conservators shall direct and the voting power of the Commoners at any such meeting shall be in proportion to the number of stints to which each Commoner is entitled as determined by this Award. The meetings of the said Inhabitant Ratepayers shall be convened in the same manner as meetings of such body are by law required to be convened

Any outgoing Conservators shall be eligible for re-election

Any elected Conservators may at any time if, so desirous resign his office on giving notice in writing under his hand of such desire to the Clerk of the Conservators and to the body by whom he was elected

In the event of any vacancy in the number of elected Conservators by death or resignation or otherwise between the times fixed for the election as aforesaid the remaining Conservators shall be as competent to act as if no such vacancy had occurred. Provided that the body by whom the vacating Conservator was elected shall as soon as conveniently may be elect some proper person to supply such vacancy but the person so elected shall retain his office only so long as the vacating Conservator would have retained the same if, no vacancy had occurred and the name of the person so elected shall be intimated in writing to the Clerk of the Conservators

Any act of the Conservators shall not be invalidated by reason of their being any vacancy in the number of Conservators

The Conservators may execute any works of draining manuring or levelling of the Common and of the Recreation Ground hereinbefore set out and may plant trees thereon or in any other way improve or add to the beauty of the same as they may from time to time deem necessary or proper

The Conservators shall make, bye laws and regulations for the prevention of or protection from nuisances and for keeping order on the Common and on the said Recreation Ground including the due regulation of the playing of games such bye laws and regulations being subject to confirmation by one of Her Majesty's Principal Secretaries of State as provided by the said Acts

All bye laws and regulations made and confirmed as aforesaid shall be legibly written or printed on boards of the size and placed on such parts of the Common (not less than three) as to the Conservators may appear

desirable \_\_\_\_\_

Any penalty imposed in pursuance of any such bye laws as aforesaid shall be paid to the Conservators and be by them applied in aid of the expenses incurred by them in the execution of their duties under this Award \_\_\_\_\_

The Conservators may appoint a clerk herds bailiff servants and any other officer or officers as they may deem necessary to Act under their directions in the execution of their duties under this Award and may if they think fit provide and maintain an Office or Offices for transacting their business -----

The Conservators shall meet for the transaction of business at least twice in every year and at such other times as they may deem necessary and shall elect one of their number to be Chairman to preside at their meetings at which meetings three shall form a quorum. The Chairman at any meeting shall have a second or casting vote in case of an equality of votes. The summoning of such meetings and the conduct of business thereat shall be subject to such rules as the Conservators may from time to time determine upon and any documents purporting to proceed from the Conservators and to be signed by the Chairman and countersigned by the Clerk of the Conservators shall be received as prima facie evidence of all courts and places whatsoever

The Conservators may sue or be sued in the name of their Clerk \_\_\_\_\_

All moneys payable to the Conservators may be, paid to their Clerk whose receipt shall be an effectual discharge for the same \_\_\_\_\_

The Conservators shall have power to take such payments in respect of the exercising of racehorses upon the Common as they may from time to time agree upon with the owners of the horses, and to regulate such exercising

The Conservators shall as incidental to the general power of management vested in them as aforesaid and in addition to any other rights powers and duties so vested in them have all such rights powers and duties as are by the said Acts or any of them given to or imposed upon Field Reeves including the power of distraining stock and animals found upon the Common contrary to the regulations thereof and of inflicting penalties in respect of such stock and animals

The expenses incurred by the Conservators in the execution of their powers and duties under this Award shall be defrayed by means of any sums received in respect of the exercising of racehorses or in consideration of their giving permission as hereinbefore provided to cut turf or set up Booths or other erections on the Common and of voluntary contributions or any other moneys applicable to the purpose that may come into the hands of the Conservators \_\_\_\_\_

And I further declare that I have set out all the stints or rights of pasture on Therfield Heath so determined as aforesaid among the several persons hereinafter named being all the persons interested therein in the shares following set opposite to their respective names which rights I have adjudged and determined to be proportionate to the value of the respective rights and interests of such several persons in the said Heath that is to say-- ----  
-----

In testimony whereof I the said William Taylor Rowley have to this my Award drawn up and engrossed on parchment set my hand this Nineteenth day of April in the year of our Lord one thousand eight hundred and ninety three \_\_\_\_\_

(signed) W T Rowley

In Witness and Confirmation whereof the Board of Agriculture have hereunto set their Official Seal this Twenty first day of April in the year of our Lord one thousand eight hundred and ninety three \_\_\_\_\_

*LS (signed) Jacob Wilson*

*Authorised by the President*

*The Board of Agriculture and Fisheries hereby certify this to be a true Copy  
of the Original Award \_\_\_\_\_*

*In Witness whereof they have hereunto set their Official Seal this ninth day of April nineteen hundred and  
twelve \_\_\_\_\_*

*(seal)*

*E Cheney*

*Assistant Secretary*



Sir Oliver Heald QC MP  
House of Commons  
London  
SW1A 0AA

Charity Commission  
PO Box 1227  
Liverpool, L69 3UG  
t: 0300 065 1670

Your Ref:  
Our Ref: 277881/C-384451/Ops  
Date: 25 September 2014

Dear Sir Heald QC

**The Therfield Regulation Trust – Registered charity number 277881**

Thank you for your letter of 3 September on behalf of your constituent  
Paula Sussex, Chief Executive has asked me to respond to you.

I am sorry to learn of your concerns about the disposal of land by The Therfield Regulation Trust, however I regret that this is not a matter that we can take up. This is because the trustees have the necessary power to dispose of part of the charitable property, which I will go on to explain further.

**Proposal**

The trustees first proposed disposing of part of the charitable property in 2005; and again in January 2013.

Then in January 2014 the charity's solicitor approached us with the proposal to dispose of a small portion of the designated land (sometimes referred to as 'specie land', that is, required by the charity's governing document to be used for a particular purpose of the charity) with a view to using the proceeds to, first acquire replacement land and secondly to be invested back into the general funds of the charity to meet the general charitable objects.

On track to meet your deadline?

Visit [www.charitycommission.gov.uk](http://www.charitycommission.gov.uk) for help  
on filing your annual return and accounts

General Enquiries: 0300 066 9197

Textphone: 0300 066 9219

Website: [www.charitycommission.gov.uk](http://www.charitycommission.gov.uk)

### Our advice

We advised the trustees via their solicitor that whilst the charity's governing document (Trust Deed dated 1 May 1979) does not contain a power of sale, the trustees may be able to rely on the statutory power of disposal in the Trusts of Land and Appointment of Trustees Act 1996 (TLAT) however the trustees must comply with sections 117(2) and 119-121 of the Charities Act 2011. We provided specific advice and guidance about the proposed disposal of charity land, as contained in OG-548 - Disposal of charity land, making particular reference to section E3.

We also referred the trustees to our publication on 'Sales leases transfers and mortgages: what trustees need to know about disposing of charity land (CC28)', in particular sections B2 and E8 which provides guidance on the disposal of designated property.

When asked whether making an outline planning application for a housing development on the section of land they were proposing to sell would meet the Commission's approval we advised the trustees that it is their responsibility to make this decision following receipt of the Surveyor's Report and any advice contained therein. The trustees are in a position to make the decision in the best interests of the charity. We referred the trustees to our Decision Making guidance.

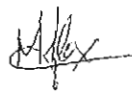
We also advised the trustees that if there are any surplus funds remaining after the replacement land has been purchased they should be invested (held as permanent endowment) and the income applied towards the objects of the charity.

### Conclusion

Whilst I understand your concerns, decision making is a key part of trustees' duties and responsibilities. This would include decisions about the disposal of land taking into account relevant advice and guidance, e.g. from a qualified Surveyor and complying with Charity Law. The Commission does not have discretion to overrule a charity's decision, validly taken within its powers, on the grounds that others take a different view, however strongly held. Indeed we are legally excluded from acting in the administration of a charity.

I hope the information given in this letter is helpful and clarifies the position. Please do contact me if you have any further queries.

Yours sincerely

J.P. 

Jacqueline Seattle  
Senior Case Manager, Operations Liverpool

operationsliverpool@charitycommission.gsi.gov.uk

## THE FULL BYE-LAWS

The CONSERVATORS of THERFIELD HEATH AND GREENS

(Therfield Regulations)

BYELAWS

Clerk to the Conservators

THE CONSERVATORS OF THERFIELD HEATH AND GREENS (Therfield Regulations)

BYELAWS

THERFIELD HEATH AND GREENS

1. In these byelaws:

"the Act" means the Commons Regulation (Therfield) Provisional Order Confirmation Act 1888;

"the Conservators" means the body appointed in pursuance of the Act for the management of the Heath and Greens; and

"the Heath and Greens" means:

a) Therfield Heath near Royston; and

b) the Greens in the Parish of Therfield (including the Recreation Ground)

both described in the Act and further delineated in the map annexed to the Award made under the Act and deposited with the Clerk of the Peace for the County of Hertfordshire and the Clerk to the Conservators.

2. a) An act necessary to the proper execution of his duty on the Heath and Greens by an officer of the Conservators, or any act which is necessary to the proper execution of any contract with the Conservators, shall not be an offence under these byelaws.

b) Nothing in or done under any of the provisions of these byelaws shall in any respect prejudice or injuriously affect any public right of way through the Heath or Greens or the rights of any person acting legally by virtue of some estate, right, or interest in, over, or affecting the Heath and Greens or any part thereof.

3. No person shall on the Heath or Greens:

a) intentionally obstruct any officer of the Conservators in the proper execution of his duties;



b) intentionally obstruct any person carrying out an act which is necessary to the proper execution of any contract with the Conservators; or

c) Intentionally obstruct any other person in the proper use of the Heath or Greens, or behave so as to give reasonable grounds for annoyance to other persons on or near the Heath or Greens.

4. No person shall turn out or permit any animal to graze upon the Heath or Greens except in accordance with:

a) the directions of the Conservators; and

b) the conditions fixed by the Award made under the Act.

5. No person shall, except in the exercise of any lawful right or privilege, ride a horse on the Heath or Greens.

6. No person shall erect upon the Heath or Greens any post, rail, fence, pole, tent, booth, stand, building or other structure.

Provided that this prohibition shall not apply where upon an application to the Conservators they grant permission to erect any post, rail, fence, pole, tent, booth, stand, building or other structure, upon such occasion and for such purpose as are specified in the application.

7. a) No person shall except in the exercise of any lawful right or privilege bring or cause to be brought onto the Heath or Greens any barrow, truck, machine, or vehicle other than:

I a wheeled bicycle or other similar machine;

II a wheel-chair or perambulator drawn or propelled by hand and used solely for the conveyance of a child or children or an invalid.

Provided that where the Conservators set apart a space on the Heath or Greens for the use of any class of vehicle this byelaw shall not be deemed to prohibit the driving in or to that space by a direct route of any vehicle of the class for which it is set apart.

b) No person shall except in the exercise of any lawful right or privilege ride any bicycle or other similar machine in any part of the Heath or Greens.

c) No person shall leave or cause or suffer to be left any vehicle on the Heath or Greens between the hours of 12 midnight and 6.00am.

8. No person shall except in the exercise of any lawful right or privilege, remove or displace any soil or plant.

9. No person shall except in the exercise of any lawful right or privilege, kill, molest, or intentionally disturb any animal on the Heath or Greens or engage in hunting, shooting, or the setting of traps or nets or the laying of snares.

10. No person shall light a fire on the land, or place or throw or let fall a lighted match or any other thing so as to be likely to cause, a fire.

Provided that this shall not apply to any event held in pursuance of an agreement with the Conservators.

11. No person shall on the Heath or Greens, by operating or causing or suffering to be operated any wireless, gramophone, amplifier, tape recorder or similar instrument, make or cause or suffer to be made any sound or noise which is so loud and so continuous or repeated as to give reasonable cause for annoyance to other persons.

12. No person shall on the Heath or Greens take off, fly or land any glider - manned or unmanned - weighing in total more than 4 kilogrammes or (except in the case or accident or other sufficient cause) any other aircraft - manned or unmanned - weighing in total more than 4 kilogrammes.

13. a) No person shall on the Heath or Greens release any power-driven model aircraft for flight or control the flight of such an aircraft.

b) No person shall cause any power-driven model aircraft to take off or land on the Heath or Greens.

c) In this byelaw:

"model aircraft" means an aircraft which either weighs not more than 5 kilogrammes without its fuel or is for the time being exempted (as a model aircraft) for the provisions of the Air Navigation Order; and

"power driven" means driven by the combustion of petrol vapour or other combustible vapour or other combustible substances.

14. No person shall on the Heath or Greens use any device designed or adapted for detecting or locating any metal or mineral in the ground,

15. No person shall on the Heath or Greens sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article, unless, in pursuance of an agreement with the Conservators or otherwise in the exercise of any lawful right or privilege, he is authorised to sell or let to hire on the Heath or Greens such commodity or article,

16. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

17. The series of byelaws made by the Conservators on 19 October 1964 and confirmed by the Secretary of State on 1 December 1964 is hereby revoked.

Given under our hands and seals this twenty-seventh day of July 1989

DONALD CHARLES KINGSLEY

WILLIAM HUNTER DARLING

Conservators of Therfield Heath & Greens

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the eighth day of January 1989

Signed by authority of the Secretary of State

C L SCOBLE An Assistant Under-Secretary of State

12th December 1989 Home Office London SW1



## **Trusts of Land and Appointment of Trustees Act 1996 c. 47**

### **Part I TRUSTS OF LAND**

#### **Functions of trustees of land**

This version in force from: **February 27, 2007 to present**

(version 3 of 3)

#### **6.— General powers of trustees.**

(1) For the purpose of exercising their functions as trustees, the trustees of land have in relation to the land subject to the trust all the powers of an absolute owner.

(2) Where in the case of any land subject to a trust of land each of the beneficiaries interested in the land is a person of full age and capacity who is absolutely entitled to the land, the powers conferred on the trustees by subsection (1) include the power to convey the land to the beneficiaries even though they have not required the trustees to do so; and where land is conveyed by virtue of this subsection—

(a) the beneficiaries shall do whatever is necessary to secure that it vests in them, and

(b) if they fail to do so, the court may make an order requiring them to do so.

(3) The trustees of land have power to [acquire land under the power conferred by section 8 of the Trustee Act 2000]

<sup>1</sup>

[...]

<sup>2</sup>

(5) In exercising the powers conferred by this section trustees shall have regard to the rights of the beneficiaries.

(6) The powers conferred by this section shall not be exercised in contravention of, or of any order made in pursuance of, any other enactment or any rule of law or equity.

(7) The reference in subsection (6) to an order includes an order of any court or of the [Charity Commission]

<sup>3</sup>

(8) Where any enactment other than this section confers on trustees authority to act subject to any restriction, limitation or condition, trustees of land may not exercise the powers conferred by this section to do any act which they are prevented from doing under the other enactment by reason of the restriction, limitation or condition.

[

(9) The duty of care under section 1 of the Trustee Act 2000 applies to trustees of land when exercising the powers conferred by this section.

]  
4

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## Notes

1. Words substituted by Trustee Act 2000 c. 29 Sch.2(II) para.45(1) (February 1, 2001)
2. Repealed by Trustee Act 2000 c. 29 Sch.4(II) para.1 (February 1, 2001)
3. Words substituted by Charities Act 2006 c. 50 Sch.8 para.182 (February 27, 2007)
4. Added by Trustee Act 2000 c. 29 Sch.2(II) para.45(3) (February 1, 2001)

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**Subject:** Real property **Other related subjects:** Trusts

**Keywords:** Trustees' powers and duties; Trusts of land

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## **Charities Act 2011 c. 25**

### **Part 7 CHARITY LAND**

#### **Restrictions on dispositions of land in England and Wales**

This version in force from: **March 14, 2012 to present**

(version 1 of 1)

#### **117 Restrictions on dispositions of land: general**

(1) No land held by or in trust for a charity is to be conveyed, transferred, leased or otherwise disposed of without an order of—

(a) the court, or

(b) the Commission.

But this is subject to the following provisions of this section, sections 119 to 121 (further provisions about restrictions on dispositions) and section 127 (release of charity rentcharges).

(2) Subsection (1) does not apply to a disposition of such land if—

(a) the disposition is made to a person who is not—

(i) a connected person (as defined in section 118), or

(ii) a trustee for, or nominee of, a connected person, and

(b) the requirements of—

(i) section 119(1) (dispositions other than certain leases), or

(ii) section 120(2) (leases which are for 7 years or less etc.),

have been complied with in relation to it.

(3) The restrictions on disposition imposed by this section and sections 119 to 121 apply regardless of anything in the trusts of a charity; but nothing in this section or sections 119 to 121 applies to—

(a) any disposition for which general or special authority is expressly given (without the authority being made subject to the sanction of an order of the court) by—

(i) any statutory provision contained in or having effect under an Act, or

(ii) any scheme legally established,

(b) any disposition for which the authorisation or consent of the Secretary of State is required under the Universities and College Estates Act 1925,



(c) any disposition of land held by or in trust for a charity which—

(i) is made to another charity otherwise than for the best price that can reasonably be obtained, and

(ii) is authorised to be so made by the trusts of the first-mentioned charity, or

(d) the granting, by or on behalf of a charity and in accordance with its trusts, of a lease to any beneficiary under those trusts where the lease—

(i) is granted otherwise than for the best rent that can reasonably be obtained, and

(ii) is intended to enable the demised premises to be occupied for the purposes, or any particular purposes, of the charity.

(4) Nothing in this section or sections 119 to 121 applies to—

(a) any disposition of land held by or in trust for an exempt charity,

(b) any disposition of land by way of mortgage or other security, or

(c) any disposition of an advowson.

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**Subject:** Charities **Other related subjects:** Real property

**Keywords:** Charities; Disposition of property; Powers of disposition; Trusts of land

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## Charities Act 2011 c. 25

### Part 7 CHARITY LAND

#### Restrictions on dispositions of land in England and Wales

This version in force from: **November 9, 2016 to present**

(version 2 of 2)

#### 119 Requirements for dispositions other than certain leases

(1) The requirements mentioned in section 117(2)(b) are that the charity trustees must, before entering into an agreement for the sale, or (as the case may be) for a lease or other disposition, of the land—

(a) obtain and consider a written report on the proposed disposition from a qualified surveyor instructed by the trustees and acting exclusively for the charity,

(b) advertise the proposed disposition for such period and in such manner as is advised in the surveyor's report (unless it advises that it would not be in the best interests of the charity to advertise the proposed disposition), and

(c) decide that they are satisfied, having considered the surveyor's report, that the terms on which the disposition is proposed to be made are the best that can reasonably be obtained for the charity.

(2) Subsection (1) does not apply where the proposed disposition is the granting of such a lease as is mentioned in section 120(1).

(3) For the purposes of subsection (1) a qualified surveyor is a person who—

(a) is a fellow or professional associate of the Royal Institution of Chartered Surveyors or satisfies such other requirement or requirements as may be prescribed by regulations made by the Minister, and

(b) is reasonably believed by the charity trustees to have ability in, and experience of, the valuation of land of the particular kind, and in the particular area, in question.

(4) Any report prepared for the purposes of subsection (1) must contain such information, and deal with such matters, as may be prescribed by regulations made by the [Secretary of State]

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#### Notes

1. Word substituted by Transfer of Functions (Elections, Referendums, Third Sector and Information) Order 2016/997 Sch.2(1) para.25(2)(r) (November 9, 2016)

**Subject:** Charities **Other related subjects:** Real property

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## **Charities Act 2011 c. 25**

### **Part 7 CHARITY LAND**

#### **Restrictions on dispositions of land in England and Wales**

This version in force from: **March 14, 2012 to present**

(version 1 of 1)

#### **120 Requirements for leases which are for 7 years or less etc.**

(1) Subsection (2) applies where the proposed disposition is the granting of a lease for a term ending not more than 7 years after it is granted (other than one granted wholly or partly in consideration of a fine).

(2) The requirements mentioned in section 117(2)(b) are that the charity trustees must, before entering into an agreement for the lease—

(a) obtain and consider the advice on the proposed disposition of a person who is reasonably believed by the trustees to have the requisite ability and practical experience to provide them with competent advice on the proposed disposition, and

(b) decide that they are satisfied, having considered that person's advice, that the terms on which the disposition is proposed to be made are the best that can reasonably be obtained for the charity.

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**Subject:** Charities **Other related subjects:** Real property

**Keywords:** Charities; Charity trustees; Disposition of property; Powers of disposition; Short leases; Trusts of land

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## **Charities Act 2011 c. 25**

### **Part 7 CHARITY LAND**

#### **Restrictions on dispositions of land in England and Wales**

This version in force from: **March 14, 2012 to present**

(version 1 of 1)

#### **121 Additional restrictions where land held for stipulated purposes**

(1) Subsection (2) applies where—

(a) any land is held by or in trust for a charity, and

(b) the trusts on which it is so held stipulate that it is to be used for the purposes, or any particular purposes, of the charity.

(2) The land must not be conveyed, transferred, leased or otherwise disposed of unless the charity trustees have before the relevant time—

(a) given public notice of the proposed disposition, inviting representations to be made to them within a time specified in the notice, which must be not less than one month from the date of the notice, and

(b) taken into consideration any representations made to them within that time about the proposed disposition.

(3) Subsection (2)—

(a) is subject to subsections (5) and (6), and

(b) does not affect the operation of sections 117 to 120.

(4) In subsection (2) "*the relevant time*" means—

(a) where the charity trustees enter into an agreement for the sale, or (as the case may be) for the lease or other disposition, the time when they enter into that agreement, and

(b) in any other case, the time of the disposition.

(5) Subsection (2) does not apply to any such disposition of land as is there mentioned if—

(a) the disposition is to be effected with a view to acquiring by way of replacement other property which is to be held on the trusts referred to in subsection (1)(b), or

(b) the disposition is the granting of a lease for a term ending not more than 2 years after it is granted (other than one granted wholly or partly in consideration of a fine).

(6) The Commission may, if the condition in subsection (7) is met, direct—

(a) that subsection (2) is not to apply to dispositions of land held by or in trust for a charity or class of charities (whether generally or only in the case of a specified class of dispositions or land, or otherwise as may be provided in the direction), or

(b) that subsection (2) is not to apply to a particular disposition of land held by or in trust for a charity.

(7) The condition is that the Commission, on an application made to it in writing by or behalf of the charity or charities in question, is satisfied that it would be in the interests of the charity or charities for the Commission to give the direction.

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**Subject:** Charities **Other related subjects:** Real property

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