



COMMONS REGISTRATION ACT 1965

Reference No.11/U/6

In the Matter of Eggescliffe Green,
Eggescliffe, Stockton R.D., Durham

DECISION

This reference relates to the question of the ownership of land known as Eggescliffe Green, Eggescliffe, Stockton Rural District being the land comprised in the Land Section of Register Unit No.V.G.12 in the Register of Town or Village Greens maintained by the Durham 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 Eggescliffe Parish 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 Durham on 7 November 1972.

The hearing was attended by the Stockton Rural District Council and the Eggescliffe Parish Council who both were represented by Mr. J. R. Tate who is the clerk of the Rural District Council. Mr. N. G. Smelt who is the chairman of the Parish Council was present.

Mr. Tate said that a search of the records of the Parish Council showed that in the year 1900 there had been a dispute about the ownership of this land and that this dispute had never been resolved. The Parish Council had because no person had made any claim against their ownership, decided to offer no evidence at this hearing relying on subsection (3) of section 8 of the Act as being applicable for their benefit in default of any evidence being offered. Mr. Smelt agreed.

In the absence of any evidence, I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Durham County Council as registration authority, to register Eggescliffe Parish Council as the owner of the land under section 8(3) of the Act.

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 13th day of November 1972.

a. a. Baden Fuller.

Commons Commissioner