



COMMONS REGISTRATION ACT 1965

Reference No.11/U/4

In the Matter of the Village Green,
Wolviston, Stockton R.D., Durham

DECISION

This reference relates to the question of the ownership of land known as the Village Green, Wolviston, Stockton Rural District being the land comprised in the Land Section of Register Unit No.V.G.41 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 Wolviston 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. At the hearing, Wolviston Parish Council were represented by Mr. C. M. Moreland solicitor of Swinburne & Jackson solicitors of Durham and Stockton Rural District Council were represented by Mr. J. R. Tate who is their clerk.

Mr. Tate said that his Council supported the ownership claim of the Parish Council.

On behalf of the Parish Council evidence was given by Mr. A. Thornton who is 71 years of age, has lived in the Village since 1909 and now is and for the last 4 $\frac{1}{2}$ years has been chairman of the Council.

Mr. Thornton produced the Bye-Laws for the regulation of the Green, made on 24 March 1902 by the then Parish Council of Wolviston under the Public Health Act 1875 and Local Government Act 1894. In 1937 on a revision of boundaries the functions of the Parish Council were taken over by the Billingham Urban District Council. In 1968 there was a further revision of boundaries and the Village became part of the Stockton Rural District and the Wolviston Parish Council was revived. Mr. Thornton gave examples of how these authorities over the years had concerned themselves with the maintenance of the Green and the use made of it. He also produced a copy of part of the Tithe Award (confirmed by the Tithe Commissioners on 24 December 1838) for the township of Wolviston in the parish of Billingham and of part of the map therein referred to; on this map ("the Award map") this Unit appears to be part of one of 14 pieces of land having a total area of 53a 2r 14p grouped together under the heading "Roads within and belonging to the said Township of Wolviston", the relevant piece being described as "470 Town Street in Wolviston ... 5a 2r 31p."

Mr. Moreland said that on 18 September 1972 his firm had asked the Public Record Office to send for production at the hearing certified copies of the Award and of the Award map, but these had not been received. Since the hearing I have (it having been agreed that I might) at the Public Record Office looked at the original Award and Award map. The copies of the parts produced at the hearing corresponded with the originals. In the Schedule (consisting of 3 complete pages) in which all the lands dealt with are listed under various headings including the heading "Landowners" and the heading "Occupiers", the 14 pieces of



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land above mentioned are described under these two headings as: "Roads Waste etc. within the Township" (without any owner or occupier being specified).

The Award shows that at that time this Unit (being part of the piece therein described as "Town Street") was assumed not to be in the ownership of any of the numerous persons named elsewhere in the Schedule as owners or occupiers of the rest of the land in the Township but was "belonging to the said Township". I can I think treat the Award as evidence that this Unit then belonged to the township in the sense that it was then owned by the proper officers of the township. With this evidence and the evidence of Mr. Thornton as summarised above, I am satisfied that the Parish Council is now the owner of the land. I shall accordingly direct the Durham County Council as registration authority to register the Wolviston Parish Council as the owner 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.

Dated this 14th day of December 1972.

a. a. Baden Fuller

Commons Commissioner