

COMMONS REGISTRATION ACT 1965

Reference No. 211/U/54

In the Matter of Land surrounding the Public
Well of St.Giles, Gilesgate, City of Durham,
Co. Durham

DECISION

This reference relates to the question of the ownership of land surrounding the public well of St.Giles, Gilesgate, City of Durham, being the part of the land comprised in the Land Section of Register Unit No. CL.112 in the Register of Common Land 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 the Durham City 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 1 July 1980. At the hearing, the City Council was represented by Mr P A Broome, Solicitor.

The land the subject of the reference, with the exception of a small triangle at the northern extremity marked "A" on the Register Map, was conveyed to the former Durham and Framwelgate Corporation by a deed of gift made 11 July 1938 between (1) Henry Sydney Wood (2) William Wood and H S Wood (3) The Mayor, Alderman and Citizens of the City of Durham and Framwelgate. Mr H S Wood acquired the land in question with other land by a conveyance made 7 May 1932 between (1) Rev. George Henry Aird (2) The Ecclesiastical Commissioners for England (3) The Dean and Chapter of Durham (4) Henry Sydney Wood. The land was transferred to the Durham City Council on 1 April 1974 by virtue of the Local Government Act 1972 and the regulations made thereunder.

On this evidence I am satisfied that the Durham City Council is the owner of the land the subject of the deed of gift. I shall accordingly direct the Durham County Council, as registration authority, to register the City Council as the owner of the land under section 8 (2) of the Act of 1965.

In the absence of any evidence I am not satisfied that any person is the owner of the small triangle of land marked "A" on the Register Map, and it will therefore remain subject to protection under section 9 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.

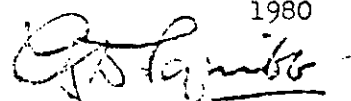
Dated this

21st

day of

July

1980


Chief Commons Commissioner