



COMMONS REGISTRATION ACT 1965

Reference No. 211/U/8

In the Matter of The Hagg, East Green
and West Green, Cotherstone, Teesdale
D., Durham

DECISION

This reference relates to the question of the ownership of three pieces of land known as The Hagg, East Green and West Green, Cotherstone, Teesdale District being the land comprised in the Land Section of Register Unit No. VG.1073, (formerly VG.73) 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 the Agent of Strathmore Estates in a letter dated 3 August 1974 said of this and other lands that it appeared that the freehold is still the property of the Lord of the Manor, i.e. the present trustees of the late Lord Strathmore, and the Secretary of Commons Open Spaces and Footpaths Preservation Society (an application by whom is noted in the Register) in a letter dated 16 April 1975 said that The Hagg was allotted and awarded to the Parish as a place for exercise and recreation of the inhabitants by an inclosure award of 18 May 1867. No person 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 Bishop Auckland on 29 April 1975. At the hearing: (1) Mr. James Haldane, Mr. Francis George More and Mr. James Martin Haldane were represented by Mr. A.H. Charlesworth solicitor of Williamson & Co., Solicitors of Newcastle-upon-Tyne, and (2) Cotherstone Parish Council were represented by Mr. J.F. Smith, solicitor, of Trotter Bruce & Loft, Solicitors of Bishop Auckland.

Mr. Charlesworth said that his clients are the executors of the Rt. Hon. T.P. 16th Earl of Strathmore and Kinghorne (he died on 13 September 1972; at an earlier hearing Mr. Charlesworth produced their confirmation by the Sheriff of Perth and Angus) and that they did not claim ownership of any of these pieces of land.

Mr. Smith said that the Parish Council could offer no evidence of ownership.

I did not investigate whether the 1867 Award contained an allotment such as that mentioned in the letter of 16 April 1975; if it had, it may be that I would have been satisfied that the Parish Council are now the owners of The Hagg piece, and could therefore direct their registration as owners of it under subsection (2) of section 8 of the 1965 Act. The Parish Council would (so I understood from Mr. Smith) be satisfied with a direction under subsection (3) of section 8, and because in the particular circumstances of this case the result may for all practical purposes be the same, they



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may have saved some trouble and expense by not relying on the award.

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 Cotherstone Parish Council as the owner of the land under section 8(3) 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 6th — day of May — 1975

a. a. Baden Fuller

Commons Commissioner