

COMMONS REGISTRATION ACT 1965



Reference No. 211/D/83

In the Matter of The Sands, Durham City, Co.
Durham, (No.3)

DECISION

This dispute relates to the registration at Entry No 1 in the Rights Section of Register Unit No.CL.29 in the Register of Common Land maintained by the Durham County Council and is occasioned by Objection No. 5 made by the former City of Durham Council, and noted in the Register on 3 November 1970 and the conflicting registration at Entry No 1 in the Land Section of Register Unit No. VG. 97 in the Register of Town or Village Greens maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Durham on 2 July 1980. The hearing was attended by Mr W K Wills, Solicitor, on behalf of the Trustees and Wardens of the Freeman of the City of Durham, the applicants for the registration, by Mr Robin Campbell, of Counsel, on behalf of the Durham City Council, the successor authority of the Objector, and by Professor B Smythe, the Chairman of the Sands Residents Association, the applicant for the conflicting registration.

For the reasons given in my decision in In the Matter of the Sands, Durham City (No.1) (1980), Ref. No. 211/D/79-80, I have refused to confirm the conflicting registration. The Objection has been met by the exclusion of two areas from the land comprised in the Register Unit, and Mr Campbell informed me that the City Council accepted the existence of the registered rights over the remainder of the land.

In these circumstances I confirm the registration.

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

25th

day of

July

1980

Chief Commons Commissioner