



COMMONS REGISTRATION ACT 1965

Reference No.11/U/26

In the Matter of The Village Green and the Banks,  
Middleton-one-Row, Middleton-St.-George, Darlington D.,  
Durham

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DECISION

This reference relates to the question of the ownership of land known as the Village Green and the Banks, Middleton-one-Row, Middleton-St. George, Darlington District (formerly Darlington Rural District) being the land comprised in the Land Section of Register Unit No.VG.21 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 no person claimed to be the freehold owner of the land in question and no 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 30 April 1974. At the hearing, (1) Middleton-St.-George Parish Council were represented by Mr. J. R. Madden, their clerk and by Mr. C. J. H. Park, one of their members, and (2) Mr. J. E. Timson of 1 Axby Road, Middleton-St.-George attended in person.

Mr. Madden said that the Parish Council could offer no evidence of ownership, and that they would be satisfied with a direction under subsection (3) of section 8 of the 1965 Act under which they would be registered as owners.

Mr. Timson protested that the land should not have been registered under the Act as a village green. He said (in effect):- Under the Act, the use of a village green is confined to a place; this land is open to the public, and should therefore have been registered as a common.

On this reference, I am required to consider the ownership of the land; I am therefore not concerned with Mr. Timson's protest, and accordingly I express no opinion about it.

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 Middleton-St.-George 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

8<sup>th</sup>

day of

May

1974.

a. a. Baden Fuller

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