



COMMONS REGISTRATION ACT 1965

Reference No. 211/U/61

In the Matter of Westerton Village
Green, Wear Valley, Co. Durham

DECISION

This reference relates to the question of the ownership of land known as Westerton Village Green, Wear Valley, being the land comprised in the Land Section of Register Unit No. VG 91 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 one 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 15 March 1982.

At the hearing the Wear Valley District Council was represented by Mr N L McNamee, Solicitor.

Mr McNamee called evidence to prove that the District Council had cut the grass on the land in question every 14 days during the growing season since 1974.

In my view, the mere cutting of grass is not a taking possession of land upon which a possessory title can be founded. Furthermore, the period during which it has been done is insufficient for the purpose.

In the absence of any further 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 the Wear Valley District 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

7th

day of

April

1982

Chief Commons Commissioner