



COMMONS REGISTRATION ACT 1965

Reference No 211/U/32

In the Matter of Whinney Hill, Consett, Co. Durham

DECISION

This reference relates to the question of the ownership of land known as Whinney Hill, Consett, being the land comprised in the Land Section of Register Unit No. CL.70 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 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 3 July 1980. At the hearing the Derwentside District Council was represented by Mr P Crinnon, one of its officers.

The District Council is the successor authority of the former Consett Urban District Council to whom a lease for 999 years was granted by the Ecclesiastical Commissioners for England on 11 February 1941. The District Council is now paying the rent reserved under this lease, the last payment having been paid on 27 September 1979.

Although a lease for 999 years is in many respects as good as a freehold, the lessee is not entitled to be registered as the owner under the Act of 1965, since references in that Act to the owner of any land are by virtue of section 22 (2) of the Act references to the person holding the legal estate in fee simple in the Land.

The ground rent is at present payable to Park Crown Rents Ltd.

On this evidence I am satisfied that Park Crown Rents Ltd is the owner of the land, and I shall accordingly direct the Durham County Council, as registration authority, to register that company as the owner of the land under section 8 (2) 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

[Signature]
Chief Commons Commissioner