

COMMONS REGISTRATION ACT 1965



Reference No. 211/U/25

In the Matter of Woodland Awarded Quarry,
Woodland

DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. CL 35 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 Woodland Parish Council claimed to be the freehold owner of the land in question ("the Unit land") 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 Unit land at Darlington on 22 July 1980.

At the hearing the Parish Council was represented by its Clerk, Miss M K Bell.

By an Award made under the Inclosure Act 1815 there was awarded to the Surveyors of the Highways within the Manor of Township of Woodland a piece of land of 8 acres and 3 roads, which included the unit land, (which is in area some 4.4 acres). The award was for a public quarry and for depositing rubbish, subject to an award of the herbage of 8 acres to one John Walker his heirs and assigns.

The claim to ownership by the Parish Council was based on this Award. I understood from Miss Bell that the herbage is taken by John Walker's successors in title and that otherwise there has been no specific user of the Unit land, nor was any evidence adduced to support a claim of ownership otherwise than by virtue of the Award. I do not know by what stages it is intended that following the Award, ownership has now devolved on the Parish Council. Indeed it seems that under the Local Government Act 1994 (see sections 25 (1) and 67) the Unit land may have vested in the Rural District Council and then, following the Local Government Act 1972 and the Local Authorities (England) (Property) Order 1973, in the Teesdale District Council. I cannot, however, assume that this is so, especially in the absence of a claim to ownership by the District Council.

In the result, I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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

12 August

1980

L. J. Morris Smith

Commons Commissioner