



COMMONS REGISTRATION ACT 1965

Reference Nos 227/U/26
227/J/27

In the Matter of (1) the Village Green, and (2) River Bank, Ovingham, Tynedale District, Northumberland

DECISION

These references relate to the question of the ownership of lands known as (1) the Village Green and (2) River Bank, both in Ovingham, Tynedale District being the lands comprised in the Land Section of Register Unit No VG. 47 and No 59 in the Register of Town or Village Greens maintained by the Northumberland 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 these references, the Duke of Northumberland (Alnwick Castle Estates Office) claimed to be the freehold owner of the lands in question and no other person claimed to have information as to their ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the lands at Hexham on 5 May 1976. At the hearing, the most noble Hugh Algernon (10th) Duke of Northumberland was represented by Mr D P Graham his surveyor at Alnwick Castle.

The Village Green (the VG. 47 land) is a piece situated not far from the Church being (as I estimate from the Register map) about 75 yards long and 30 yards wide. The River Bank (the VG. 59 land) comprises two irregularly shaped pieces situated between the Village and the River Tyne and together having a frontage to the River of (similarly estimated) about 100 yards.

Mr Graham in the course of his evidence produced a plan showing coloured pink the land comprised in a vesting deed made pursuant to the 1925 Property Acts in favour of the 8th Duke of Northumberland. He described the registered lands, and said they had always been open to the Villagers. He did not produce the vesting deed or provide me with any information about it or any later document of title.

At the hearing I expressed the view that I could not make a finding in favour of ownership as claimed by Mr Graham, in the absence of an abstract of title or other evidence as to how the legal estate in the lands had devolved. Mr Graham accordingly said that he would arrange for solicitors in London to send to the office of the Commons Commissioners an appropriate abstract of title or other information about the relevant documents. Accordingly I have delayed giving this decision in case such abstract or information might be received.

On the evidence put before me by Mr Graham at the hearing I am not satisfied that the Duke or any other person is the owner of these lands and I shall accordingly direct Northumberland County Council as registration authority to register Ovingham Parish Council as the owner of the lands under section 8(5) 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 16th day of December — 1976

a. a. Baden Fuller

Commons Commissioner