



COMMONS REGISTRATION ACT 1965

Reference No 27/U/35

In the Matter of Chineley Burn Limestone  
Quarry, Henshaw, Tynedale District,  
Northumberland

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DECISION

This reference relates to the question of the ownership of land known as Chineley Burn Limestone Quarry, Henshaw, Tynedale District being the land comprised in the Land Section of Register Unit No CL. 60 in the Register of Common Land 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 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.

The Chief Commons Commissioner (Mr G D Squibb QC) held a hearing for the purpose of inquiring into the question of the ownership of the land at Hexham on 18 July 1973. Following this hearing Henshaw Parish Council informed the Clerk of the Commons Commissioners that Dr J Knox is the owner and subsequently he, through his solicitors, claimed ownership. In these circumstances the Chief Commissioner directed that this reference be relisted.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Hexham on 3 May 1976. At the hearing (1) Henshaw Parish Council were represented by Mr D Reay their chairman and Mr D Nolan their clerk, and (2) Dr J C Knox was represented by Mr R Walton solicitor of Rae Walton & Hogg, Solicitors of North Shields.

The land ("the Unit Land") comprised in this Register Unit is for the most part a piece ("the Main Part") bounded on the east by Chineley Burn and on the west by a straight line about 160 yards long and having an average width of about 100 yards; included in the Unit Land is a narrow L-shaped strip ("the Strip") which is about 400 yards long and connects the Main Part to the road from Bardon Mill to Twice Brewed.

Mr Reay said (in effect):- The Parish Council had applied for the registration because the Unit Land was a quarry set out by the Henshaw Inclosure Award, being the award made under the Haltwhistle (Henshaw & Melkeridge) Inclosure Act 1783 (23 Geo 3.c.xvi). The Parish Council does not claim ownership.

Mr Walton in the course of his evidence produced a conveyance dated 5 December 1956 by which Mr H S Hays conveyed to Dr J C Knox about 24.615 acres of land with the cottage and buildings known as Low Fogrigg Farm, and a statutory declaration made on 30 November 1956 by Mr H S Hays.



To the statutory declaration was exhibited a copy OS map which Mr Walton claimed identified the Main Part with part of the OS No 168, area 10.271 acres mentioned in the schedule to the conveyance, and pointed out that there was on the declaration plan no such plot as now appears on the Register map No 168b.

Mr Reay said that plot no 168b was at one time but is not now a separate inclosure, and on it there are now the ruins of what was probably at one time a farm building. He produced a copy of part of the Award map which showed the Main Part as "Lime Quarry", and said that although it was not now used as a quarry, the Parish Council had applied for its registration to protect those who had rights of quarrying there.

On the evidence outlined above, I am satisfied that Dr Knox is the owner of the Main Part, and I shall accordingly under section 8(2) of the 1965 Act direct the Northumberland County Council as registration authority, to register Dr John Charles Knox of 8 Alma Place, North Shields, Tyne and Wear as the owner of ~~the~~ part of the Unit Land north of the straight line which runs from Chineley Burn approximately due west and which is or includes the south boundary of OS No 168.

In the absence of evidence I am not satisfied that any person is the owner of the Strip 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 this 11<sup>th</sup> day of May — 1976

a. a. Baden Fuller

Commons Commissioner