



COMMONS REGISTRATION ACT 1965

Reference No 27/U/55

In the Matter of Church Point
Newbiggin-by-the-sea Urban District
Northumberland

DECISION

This reference relates to the question of the ownership of land known as Church Point, Newbiggin-by-the-sea Urban District being the land comprised in the Land Section of Register Unit No CL.27 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 Newbiggin-by-the-sea Urban District Council claimed to be the freehold owner of the land in question 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 land at Newcastle upon Tyne on 4 April 1973. The hearing was attended by the Newbiggin-by-the-sea Urban District Council who were represented by Mr R Hughes: he is and since June 1967 has been their clerk and chief financial officer.

Mr Hughes in the course of his evidence produced a deed of gift dated 18 October 1962 and made between (1) Mrs L H Mills, Mr J Knott and Mr G R Storey ("the Donors") and (2) the Council. By this deed, after reciting that the ground thereafter described was then (inter alia) vested in the Donors in fee simple as trustees of the Freeholders of the Newbiggin-by-the-sea Lords of the Manor, that the Council was desirous of carrying out certain works contemplated by a scheme under the Coast Protection Act 1949 and that to enable the Council to proceed with such works the Donors had agreed to make a conveyance by way of gift to the Council of the said ground, it was witnessed that in consideration of the covenants thereafter contained the Donors conveyed the pieces of ground therein described to the Council.

Mr Hughes identified the land comprised in this Register Unit as one of the pieces of ground so conveyed. It is rough grass land exposed to the sea in front of St Bartholomew's Church, a landmark visible from far out at sea. The Council have kept the land in order, provided notice boards prohibiting camping and the parking of motor cars and generally preserved it as an amenity for the District.

The recital in the deed of the title of the Donors is unusual. I can I think without inquiring into their title as it stood in 1962, properly conclude that the Council are now in possession of the land and that it is practically certain that their possession will never be disturbed. Possession in such circumstances is equivalent to ownership.

For these reasons I am satisfied that the Council is the owner of the land, and I shall accordingly direct the Northumberland County Council, as registration authority, to register Newbiggin-by-the-sea Urban District Council as the owner of the land under section 3(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

12th

day of April

1973

a. a. Baden Fuller

Commons Commissioner