



COMMONS REGISTRATION ACT 1965

Reference No 27/U/37

In the Matter of Heddon Village Green and Commons,
Heddon on the Wall, Castle Ward R.D., Northumberland

DECISION

This reference relates to the question of the ownership of land known as Heddon Village Green and Commons, Heddon on the Wall, Castle Ward Rural District being the land comprised in the Land Section of Register Unit No CL.58 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 the said Council claimed to be the freehold owner of part 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 3 April 1973. The hearing was attended by Northumberland County Council who were represented by Mr I A Summerbell a legal executive employed in their Clerk's Department, by Heddon Parish Council who were represented by Dr B J Selman one of their members and by St Andrews Church Heddon Parochial Church Council who were represented by Mr K Hale their Secretary.

The land ("the Unit Land") comprised in this Register Unit includes a piece, being a long narrow strip running approximately east and west with a short strip running off it to the north and a longer strip running off it to the south; the remainder of the Unit Land consists of three smaller pieces to the south-east.

Mr Summerbell who has been employed by the County Council since 1964, and has known the Unit Land since then, in the course of his evidence produced a conveyance dated 3 March 1966 and made between Mary Eblett ("the Vendor") of the one part and the County Council of the Administrative County of Northumberland of the other part and a conveyance dated 22 June 1971 and made between the County Council of the Administrative County of Northumberland of the one part and Charlton Hale Amos and Ridley Amos of the other part. By the 1966 conveyance, after reciting that the Vendor was seised in fee simple of the property described in the First Schedule, that the Vendor and her predecessors in title had been in possession of the property described in the Second Schedule for 12 years and upwards without acknowledgment of the title of any other person and that the Vendor and her predecessors in title had enjoyed in connection with the property described in the First and Second Schedules the use of the property described in the Third Schedule without acknowledgment of the title of any other person, it was witnessed that the Vendor conveyed all these properties to the County Council in fee simple, the Second Schedule property being "for the estate and interest of the Vendor therein" and the Third Schedule property being "for all the estate and interest (if any) of the Vendor therein".

Mr Summerbell identified the part of the Unit Land which I have referred to above as "a longer strip running off it (the narrow strip running approximately east and west) to the south" with the land coloured round with green on the plan annexed to the 1966



conveyance (being the Third Schedule property) and with part of the land coloured round with blue on the said plan (being part of the Second Schedule property). He said that the green land is the site of an old roadway now disused. The northern end of the green land is included in the land conveyed by the County Council by the 1971 conveyance.

Although the title to the part of the Unit Land now claimed by the County Council was in the 1966 conveyance treated as doubtful, I can I think properly conclude, from the recitals in the conveyance of more than 12 years possession and use and from the absence of any other claim after the public advertisement of these proceedings that the County Council are now the owners.

No evidence was offered as to the ownership of any of the remaining part of the Unit Land.

For these reasons I am satisfied that the County Council are the owners of the part of the Unit Land claimed by them, and I shall accordingly direct the Northumberland County Council, as registration authority, to register themselves the Northumberland County Council under section 8(2) of the 1965 Act as the owners of the part of the Unit Land which is included in the land conveyed to the said Council by the said conveyance dated 3 March 1966 and which is not included in the land conveyed by the said Council by the said conveyance dated 22 June 1971.

In the absence of any evidence I am not satisfied that any person is the owner of the remaining part of the Unit 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 this 1st day of May 1973

a. a. Baden Fuller

Commons Commissioner