



COMMONS REGISTRATION ACT 1965

Reference No 27/U/60

In the Matter of land near the access to Birney Hill Hospital, Ponteland, Castle Ward R.D.,
Northumberland

DECISION

This reference relates to the question of the ownership of land near the access to Birney Hill Hospital, Ponteland, Castle Ward Rural District being the land comprised in the Land Section of Register Unit No CL.18 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 Secretary of State for Social Services 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 3 April 1973. The hearing was attended by the Secretary of State for Social Services who was represented by Mr A H Crute solicitor of Crute & Sons, Solicitors of Newcastle upon Tyne.

Mr H Bertram who is now and has been since 1948, land clerk with the Newcastle upon Tyne Regional Hospital Board in the course of his evidence produced a conveyance dated 19 April 1949 by which Mrs C White conveyed to the Minister of Health all the land described in the Schedule thereto; the first of the five parts into which the Schedule was divided specified the Farm or Estate with the Mansion etc. belonging called Birney Hill Farm or Estate, High Gallerton, Ponteland and containing 170 acres 2 roods as delineated on the plan and thereafter particularised. Mr Bertram said: In the management of the land so conveyed the Hospital Board has acted as agents for the Minister of Health and the Secretary of State for Social Security. The land comprised in this Register Unit is a triangular piece of flat grass land bounded by roads and situate near the entrance gates of Birney Hill Hospital. He identified it with that particularised in the conveyance as "Allotment 13p (13 perches)".

By the Secretary of State Social Services Order 1968 (S.I. 1968 No 1699) all property to which the Minister of Health was entitled on 31 October 1968 was transferred to the Secretary of State.

On the evidence outlined above, I am satisfied that the Secretary of State is the owner of the land, and I shall accordingly direct the Northumberland County Council, as registration authority, to register the Secretary of State for Social Services as the owner of the land under section 8(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

12/2

day of

April

1973

a. a. Baden Fuller.