



COMMONS REGISTRATION ACT 1965

Reference No.27/U/29

In the Matter of Redburn Well,
Henshaw, Northumberland

DECISION

This reference relates to the question of the ownership of land known as Redburn Well, Henshaw being the land comprised in the Land Section of Register Unit No.CL.69 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 one 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 Hexham on 18th July 1973.

At the hearing the Henshaw Parish Council was represented by Mr. D. Reay, its Chairman.

The land the subject of this reference was allotted and set out by the Inclosure Award, dated 9th November 1787, made under the Hexham and Melkeridge Inclosure Act of 1783 (23 Geo. III, c.16 (private)) as and for "a Common Watering place for the use of all and every the owners and occupiers of Messnages Mills Lands Tenements stints and Hereditaments interested in this Division and all other person and persons whomsoever" and it was further provided that it should for ever thereafter "remain be and continue open and in common for such and the like purposes aforesaid".

In spite of the use of the word "allot", I have come to the conclusion that this provision in the Award did not have the effect of passing the property in the land in question, but merely created a right to enter upon the land to take water. In my view, no assistance in the determination of who is the present owner of this land can be derived from the Award.

In the absence of any evidence I am not satisfied that any person is the owner of the 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 12th day of September 1973.


Chief Commons Commissioner