



COMMONS REGISTRATION ACT 1965

Reference No 227/U/19

In the Matter of Sharperton Common and
Sharperton Haughs, Harbottle, Alnwick
District, Northumberland

DECISION

This reference relates to the question of the ownership of land known as Sharperton Common and Sharperton Haughs, Harbottle, Alnwick District being the land comprised in the Land Section of Register Unit No CL. 123 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 Harbottle Castle Estate Co said they are the owners of $7\frac{1}{2}$ stints on the land. No other person claimed to be the freehold owner of the land in question or 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 Alnwick on 8 March 1977. At the hearing Harbottle Castle Estate Co ("the Company") were represented by Mr J S Stephenson solicitor of Ingledew Mark Pybus Solicitors of Newcastle upon Tyne.

The land comprised in this Register Unit is between Sharperton on the north and Holystone on the south, being (from north to south) about 1500 yards long and having a varying width mostly of between 300 and 100 yards. The part of the land north of the line YZ on the Register map (an approximately east-west line near the middle point) was registered in the Land Section in consequence of an application by the Company to register $7\frac{1}{2}$ stints (each comprising the right to graze one cow and two young cattle under 18 months old) over such part; the remainder (south of the YZ line) was registered on the application of the Ramblers' Association. The Parish Council applied for the registration of a substantial part of the part north of the YZ line and the Ramblers' Association's application included a smaller part of such part. The only Entry in the Rights Section is of the said $7\frac{1}{2}$ stints.

Mr Stephenson on behalf of the Company claimed ownership of the part of the land north of the YZ line.

Mr R M Landale of John Sale & Partners Chartered Surveyors of Wooler who are the Agents of Harbottle Castle Estate Company in the course of his evidence said that the Company owned the stints and has let them to R M C Jefferys & Son. He produced a conveyance dated 8 June 1948 by which Mr P J F Chennell with the concurrence of Trustees conveyed to the Company 4310 acres of land described in the Schedule as coloured on the plan annexed thereto. No part of the land with which I am concerned is coloured on the plan, but the Schedule includes the words "All those stints on Sharperton Common situate...", and there follows the names of two farms and the Post Office as being entitled to 5, $1\frac{1}{2}$, and 1 stints."



In my opinion although a person entitled to grazing rights known as stints may sometimes own the land or a share of the land over which the rights are exercisable, there is no presumption of law that a person who owns a stint or stints also has any ownership right. Accordingly any such combined soil and grazing ownership if claimed must be proved. In this case, I had no evidence that the Company owns any interest in the land over and above the stints conveyed to them in 1948; indeed the 1948 conveyance suggests that the Company is not the owner, for if it was then thought that the Company would under it become the owner, the land would have been coloured pink on the plan and differently described in the Schedule.

For the above reasons I am not satisfied that the Company is the owner of the part of the land north of the Y² line. There was no other ownership claim so in the absence of any other evidence I am not satisfied that any person is the owner of any part 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 15th day of March ————— 1977

a. a. Baden Fuller

Commons Commissioner