



In the Matter of The River
Bank, Ovingham, Northumberland (NO.2)

DECISION

This reference relates to the question of the ownership of land known as The River Bank, Ovingham, being the land comprised in the Land Section of Register Unit No. VG.59 in the Register of Town or Village Greens maintained by the ~~Sunder~~ 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 Duke of Northumberland claimed to be the freehold owner of the majority of the land in question and no other person claimed to have information as to its ownership.

Mr Commissioner Baden Fuller held a hearing for the purpose of inquiring into the question of the ownership of the land at Hexham on 5 May 1976. At the hearing the Duke of Northumberland was represented by Mr D P Graham, his surveyor, but the learned Commissioner was not satisfied that the Duke or any other person was the owner of the land in question, so he decided to direct the Northumberland County Council to register the Ovingham Parish Council as the owner of the land under section 8 (3) of the Act of 1966.

After the publication of the learned Commissioner's decision several other claimants to the ownership of the land appeared and, with the consent of the Ovingham Parish Council, he decided to set aside his decision and re-open the hearing.

I reopened the hearing at Hexham on 27 October 1981. On this occasion Mr J Spedding, of Counsel, appeared on behalf of Mrs C S Wadds, Mr and Mrs D Collinson, and Scottish and Newcastle Breweries Limited; the National Coal Board was represented by Mr H A Burnett, the head of its conveyancing department; the Duke of Northumberland was represented by Mr W Wraith of his estate office; and the Parish Council was represented by Mr J Froggatt, its Vice-Chairman. I adjourned the hearing to Golden Cross House, London WC2 on 24 November 1981, when the Duke of Northumberland was represented by Mr M J Pitt, Solicitor.

The land comprised in the Register Unit consists of two long strips of varying widths along the north bank of the River Tyne. To the north of the easternmost of these strips is a series of properties bounded on the north by a road, some of which properties include parts of this strip.

A property known as Brewery Farm was conveyed to Prudhoe Estates Limited by a conveyance made 31 July 1928 between (1) Charles Cowell and Norman Charles Cowell (2) Mary Beadlington, (3) Prudhoe Estates Limited. The parcels of this conveyance include the foreshore and waste land adjoining the river, which is part of the land the subject of the reference. This property became vested in the National Coal Board by virtue of a notice under Section 5 of the Coal Industry Nationalisation Act 1946, Prudhoe Estates Limited being a subsidiary of Mickley Coal Company Limited.

The next property to the east is the White Swan Inn, which was conveyed to Scottish



and Newcastle Breweries Limited by a Conveyance made 10 July 1961 between (1) Thomas and James Bernard Limited, (2) Scottish and Newcastle Breweries Limited. The premises thereby conveyed are described in the parcels of a Conveyance made 19 August 1953 between (1) Lalla Julia Ann Barker (2) Thomas and James Bernard Limited as being bounded on the south by the River Tyne.

The next property to the east, known as Ovingham House, was conveyed to Mrs Wadds by a conveyance made 6 January 1978 between (1) John Mark Wadds, (2) Constance Sylvia Wadds. Mr Wadds had a good root of title in a conveyance made 23 January 1932 between (1) Barclays Bank Limited, (2) Clive Hardcastle Reid, in the parcels of which the premises are described as bounded on the south by the River Tyne.

Several properties to the east is Forge House, which was conveyed to Mr and Mrs Collinson by a Conveyance made 7 August 1974 between (1) John Charles William Fleming and Joan Fleming his wife, (2) David Wright Collinson and Joan Macdonald Collinson his wife. Mr and Mrs Fleming had a good root of title in a Conveyance made 6 August 1943 between (1) Florence Grey and (2) Edward Reay and Leonora Reay his wife. In the parcels of the 1943 Conveyance the premises are described as having an area of 0.341 acres and bounded towards the south by the River Tyne, but in a conveyance made 12 December 1968 between (1) L Reay, (2) J C W Fleming and J Fleming the boundaries of the premises are not described otherwise than by reference to an annexed plan on which no part of the land the subject of the reference is shown as being part of the premises. In the Conveyance of 1974 the parcels include the estate and interest (if any) of Mr and Mrs Fleming in the land between the south boundary of the land shown on an annexed plan (which is identical with that annexed to the 1968 conveyance) and the River Tyne. Evidence was given by Mrs M Davison, who lived at Forge House from 1919 to 1931 and whose father owned the property from 1919 to 1941, that occasionally campers came onto the land between the south boundary shown on the plans and the river during the summer, but this did not happen every year. Mrs Davison's father did not charge the campers for being on this land, but if he did not regard them as reputable people, he asked them to move. In my view this is not evidence of possession of the land by Mrs Davison's father. There being no other evidence directed to proving that Mr and Mrs Fleming had any estate or interest in this land, I am not satisfied that Mr and Mrs Collinson are the owners of any of the land the subject of the reference.

Two lengths of what may be termed the foreshore of the river were included in the parcels of a vesting deed made 15 June 1926 between (1) Edward George Percy, Baron Hatherton, Charles William Sydney, Earl Manvers, and Edward Frederick Lindley, Baron Irwin, (2) Alan Ian, 8th Duke of Northumberland. This land was vested in Henry George Alan, 9th Duke of Northumberland by a vesting deed made 15 July 1933 and in Hugh Algernon, 10th and present Duke of Northumberland by a vesting deed made 1 April 1950. Mr Pitt stated that he was instructed that only a portion of each of these lengths was still retained and that he had no instructions as to the present ownership of the portions which had been disposed of.



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On this evidence I am satisfied that Mrs Wadds, Scottish and Newcastle Breweries Limited, the National Coal Board, and the Duke of Northumberland are the owners of parts of the land, and I shall accordingly direct the Northumberland County Council, as registration authority, to register them as the owners of their respective parts under section 3(2) of the Act of 1965. In the absence of any evidence I am not satisfied that any person is the owner of the remainder of the land and I shall accordingly direct the County Council to register the Ovingham Parish Council as the owner of that part of the land under Section 3(3) 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

14th

day of

December

1981

Chief Commons Commissioner