



In the Matter of Dinnington Allotments,
Newcastle Upon Tyne B

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL 14 in the Register of Common Land maintained by the former 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 Dinnington Parish Council claimed to be the freehold owner of the land in question ("the Unit land") 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 Unit land at Newcastle Upon Tyne on 19 October 1983.

At the hearing the Parish Council was represented by Mr G W Watson, a Councillor, and no other claimant appeared.

The Unit land consists of two areas, a triangular area and a very small piece of land further eastwards. By an Inclosure Award of 23 March 1860 the larger area was allotted to the Churchwardens and Overseers of the parish of Dinnington subject to a yearly rentcharge of £3. Mr Watson told me that in 1933 it appears that the parish Council resolved to "purchase the deeds", but there is no record of any payment by it nor is there any record of payment of any kind since 1935. The area is used partly for allotments and the remaining part is let by the Council to a tenant.

As to the small piece, this was appointed by the Award as a public pond, but not allotted by any owner. The piece adjoins the road and is kept as a garden by an individual person under an oral agreement with the Council that he is to keep it tidy. He pays no rent but the Council regards him as a tenant, and the piece of land is considered to be under its control.

On this evidence I am satisfied that the Parish Council is the owner of the Unit land, and I shall accordingly direct the Tyne and Wear County Council, as registration authority, to register it as the owner 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 1 December 1983

L. J. Morris Smith

Commons Commissioner