

COMMONS REGISTRATION ACT
1965



Reference No³ 211/U/96

In the Matter of Edmundbyers Common, Edmundbyers
Co. Durham

DECISION

This reference relates to the question of the ownership of land known as Edmundbyers Common, Edmundbyers, being the land comprised in the Land Section of Register Unit No. CL.76 in the Register of Common Land maintained by the Durham 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 Trustees of the Lambton Estate claimed to be the freehold owners 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 land at Durham on 7 March 1985.

At the hearing the Trustees were represented by Mr C J Thompson, Solicitor. The whole of the land the subject of the reference, with the exception of a small area adjoining the Burnhope Burn at Swandale, was included in the parcels of a conveyance made 4 March 1966 between (1) The Church Commissioners for England (2) Arthur James Robert Collins, David Alexander Gray, and Richard Oliver Stanley. Mr Gray retired by a deed of retirement made 7 April 1975 and was replaced by Mr David Michael Dixon by a deed of appointment made 11 December 1978. Mr Stanley died on 15 November 1983.

A small area of land at the north-eastern corner of that included in the 1966 conveyance was conveyed to the former Durham County Council by a Conveyance made 17 August 1970 between (1) A J R Collins, D A Gray, and R D Stanley (2) The County Council of Durham. This land was transferred to the present Durham County Council by the Local Authorities (England) (Property etc) Order 1973 (SI 1973 No. 1861).

The said small area adjoining the Burnhope Burn at Swandale was conveyed to Sunderland and South Shields Water Company by a conveyance made 13 March 1969 by the Church Commissioners for England.

On this evidence I am satisfied that the Lambton Trustees, the Durham County Council and Sunderland and South Shields Water Company are the owners of the land, and I shall accordingly direct the Durham County Council, as registration authority, to register them as the owners of their respective parts 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

29th

day of

April

1985

Chief Commons Commissioner

E. J. Lambton