



COMMONS REGISTRATION ACT 1965

Reference No. 211/U/48.

In the Matter of The Recreation Field and  
Village Green, West Rainton, Co. Durham

DECISION

This reference relates to the question of the ownership of land known as The Recreation Field and Village Green, West Rainton, being the part of the land comprised in the Land Section of Register Unit No. VG.93 in the Register of Town or Village Greens 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 Durham City Council claimed to be the freehold owner of part 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 the land at Durham on 1 July 1980. At the hearing the City Council was represented by Mr P A Broome, Solicitor, and the West Rainton Parish Council was represented by Mrs K M Tweddle and Mrs V M Welsh, two of its members.

The land comprised in the Register Unit consists of several areas of which the westernmost is a triangle marked "Playground" on the Ordnance Survey Map. This triangle was conveyed to the West Rainton Parish Council by an indenture made 9 June 1920 between (1) The Rainton Colliery Company Ltd (2) The Parish Council of West Rainton. It was then conveyed to the former Durham Rural District Council by a deed of gift made 27 March 1961 between (1) The Parish Council of West Rainton (2) The Rural District Council of Durham. The land was transferred to the Durham City Council on 1 April 1974 by virtue of the Local Government Act 1972 and the regulations made thereunder.

On this evidence I am satisfied that the Durham City Council is the owner of the land, and I shall accordingly direct the Durham County Council, as registration authority, to register the City Council as the owner of the land under section 8 (2) of the Act of 1965.

In the absence of any evidence as to the remainder of the land the subject of the reference I am not satisfied that any person is the owner of it and I shall accordingly direct the County Council to register the West Rainton Parish Council as the owner of that part of the land under section 8 (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

25<sup>th</sup>

day of

July

1980

Chief Commons Commissioner