



COMMONS REGISTRATION ACT 1965

Reference No. 211/U/65

In the Matter of Windyside Moss,
 Stanhope, Co-Durham

DECISION

This reference relates to the question of the ownership of land known as Windyside Moss, Stanhope, being the land comprised in the Land Section of Register Unit No. CL 42 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 Mr J J Vickers, Mr K Pattinson and Messrs K N, J M and D Pattinson 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 the land at Durham on 10 October 1980.

At the hearing Mr Vickers was represented by Mr R Mitchell, of Counsel and the other claimants were represented by Mr L Pattinson, Solicitor.

The land the subject of the reference is part of the land which was allotted as stinted pastures under the award made on 29 September 1819 under the Weardale Park and Forest (Stanhope) Inclosure Act of 1799 (39 Geo III, c.lxix). The effect of this Act and the award was considered by Mr Commissioner Baden Fuller in his decision in In the Matter of Ireshope Moor, Stanhope, Wear Valley District, Durham (1974), Ref. No. 11/U/19. Mr Commissioner Baden Fuller came to the conclusion that the land with which he was dealing was vested in the Public Trustee by virtue of paragraph 2 of Part V of the First Schedule to the Law of Property Act 1925. For the purposes of this case it is sufficient for me to say that in my view it is indistinguishable from the Ireshope Moor Case and that I see no reason to differ from the conclusion at which the learned Commissioner arrived in that case.

I am therefore satisfied that the Public Trustee is the owner of the land, and I shall accordingly direct the Durham County Council, as registration authority, to register the Public Trustee as the owner 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

22nd

day of

October

1980

Chief Commons Commissioner