



In the Matter of The Field, Smailes Lane,
Rowlands Gill, Gateshead 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. VG 96 in the Register of Town or Village Greens maintained by the former 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 no person claimed to be the freehold owner of the land in question or 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 Newcastle Upon Tyne on 20 October 1983.

At the hearing Mr Kinlock, Solicitor, appeared, representing Gateshead Metropolitan Borough Council (^(W.A) "Gateshead") which claimed ownership.

The land was included in property conveyed to Blaydon Urban District Council in 1947, the Conveyance by C R Chadwick and Others being dated 8 September 1947. Gateshead is successor Authority to Blaydon UDC. On this evidence I am satisfied that Gateshead is the owner of the land.

In my Decision dated 1 February 1984 (Ref: 266/D/1), on a dispute relating to the registration of the land, I have refused to confirm the registration. If that Decision stands, the registration will become void and the question of ownership will be irrelevant for the purposes of the Commons Register and I shall give no direction as to ownership. Otherwise, ie. if that Decision is appealed against and, as a result, the registration is confirmed, I shall direct the Tyne and Wear County Council, as registration authority, to register Gateshead 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 February 1984

L. J. Morris Smith
Commons Commissioner