



In the Matter of The Green, Southwick,
Sunderland B

DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. VG 2 in the Register of Town or Village Greens maintained by the former Sunderland County Borough 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 ("the Unit land") 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 Tyne and Wear County Council was represented by Mr R McDonald, Solicitor, and Sunderland Metropolitan Borough Council ("Sunderland B") by Mr C G Langley, Solicitor.

The Green at Southwick was the subject of a Scheme made under the Commons Act 1899 in 1912: under the Scheme its management was vested in the Southwick Urban District Council. The Scheme provided that its provisions should not affect or prejudice the estate of the person entitled to the soil of the Green. Near the eastern end of the Unit land there is a small property which forms a Police substation, which by virtue of the Durham Police (Amalgamation) Order 1967 vested in the Durham Police Authority on 1 April 1967. By a Deed of Acknowledgement dated 28 July 1972 between the County Borough of Sunderland and the Durham Police Authority it was recited that immediately before 1 April 1967 the Section Office of the Unit land was held by the County Borough for police purposes and the right of production of the Scheme to the Durham Police Authority was acknowledged. In 1974 the Northumbria Police Authority was established for the combined police areas of Northcumbria and Tyne and Wear and by virtue of Article 4(18)(viii) of S.I. 1974 No. 406 police property vested in the new Police Authority.

I am satisfied on the evidence that Northumbria Police Authority owns the Police substation: as to the remainder of the Unit land, ownership of which was not claimed, I am not satisfied that any person is the owner.

I shall accordingly direct the Tyne and Wear County Council, as registration authority, to register Northumbria Police Authority as owner of the substation under section 6(2) of the Act of 1965 and Sunderland Metropolitan Borough Council as owner of the remainder of the Unit land under Section 8(3).

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

20 January

1984

L. J. Morris Smith

Commons Commissioner