



In the Matter of Woodside Common, Ryton,
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. CL 104 in the Register of Common Land 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 Gateshead Metropolitan Borough Council ("Gateshead") claimed to be the freehold owner of the land in question ("the Unit land") 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 Newcastle Upon Tyne on 19 October 1983.

At the hearing, Gateshead was represented by Mr R T Harrison, Legal Executive, and no other claimant appeared.

By virtue of the provisions of an Inclosure Act of 1823, Woodside Common (other than a one-sixteenth part awarded to the Lord of the Manor of Chester) was allotted to the Churchwardens and Overseers of the Township of Ryton Woodside. Mr Harrison did not essay to trace the subsequent devolution of ownership, though it is possible that ownership eventually vested in Ryton Urban District Council, the local authority at the time of the Local Government Act 1972. There are records which indicate that a farmer was paying rent to the local authority for pasturing cattle on the Unit land from the 1950s onwards, and this has continued since 1974 to Gateshead which is the successor authority to Ryton UDC. By an Agreement of 19 November 1968 Rydon UDC dedicated to the County Council for highway purposes strips on both sides of the highway dividing the Unit land and the land comprised in CL 105.

On this evidence I am satisfied that Gateshead is the owner of the Unit land, and I shall accordingly 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 24 November 1983

L. J. Morris Smith
Commons Commissioner