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## COMMONS REGISTRATION ACT 1965

Reference No. 27/U/65

In the Matter of Lowick Common, Lowick,  
Berwick-upon-Tweed D., Northumberland

DECISION

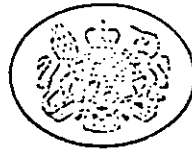
This reference relates to the question of the ownership of land known as Lowick Common, Lowick, Berwick-upon-Tweed District (formerly Glendale Rural District) being the land comprised in the Land Section of Register Unit No. CL. 11 in the Register of Common Land maintained by the Northumberland County 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 and no 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 Berwick-upon-Tweed on 9 July 1974. At the hearing, Lowick Parish Council were represented by Mr. T. Johnson, their clerk.

Mr. P. Bates who has lived in the parish since 1959 (he is now 39 years old), has been a member of the Parish Council for 3 years and is now in his second year a chairman, in the course of his evidence produced:- (1) a Form of Scheme under the Commons Act 1899 for the management of the "piece of land with ponds, parks and roads thereon commonly known as Lowick Common"; (2) Bye laws made by Glendale Rural District Council on 9 April 1903 with respect of Lowick Common, being the Common referred to in the Scheme approved under the 1899 Act on 10 November 1902; (3) a letter dated 26 September 1963 by which in effect the Parish Council were notified that the Rural District Council had delegated their duties in connection with Lowick Common to the Parish Council; and (4) a letter dated 7 June 1974 from Mr. R.M. Gard, County Archivist of the Northumberland County Record office referring to the Lowick Moor Enclosure Award of 1724 and to the Lowick Parish Tithe Award of 1847 and map of 1846 and enclosing a copy of a letter dated 10 April 1967 written by himself to Mr. Johnson, a letter dated 5 June 1967 and written by Rev. A. Robson (Vicar of Lowick), of a letter dated 7 June 1967 written by him (Mr. Gard), of the 1846 Tithe map and of the inset plan (showing the Village of Lowick in detail) thereto.

Mr. Bates said (in effect):- The land comprised in this Register Unit is locally known as Lowick Common. It is south of and adjoins the Village, being bounded on the east by a side road leading from the Village to Wooler, on the South by a ditch (with farm land on the other side), on the west and north (a zigzag boundary) by a track (with houses on the other side), by the wall of the United Reformed Church (formerly the Presbyterian Chapel), by the grounds of a house (formerly the Manse) and by a street (with houses on the other side). Ever since he first knew Lowick Common until a few years ago it had been derelict land. The Parish Council Minute Book over the years contained many references to it, the Council being concerned with complaints about the deposit of rubbish,



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the behaviour of gypsies and unauthorised grazing. In 1972, the Rural District Council, at the request of the Parish Council, landscaped it, making the ground reasonably flat (the east part slopes up to the road, where there is or used to be an outcrop of rock), reseeding the grass and planting some trees: the expenses were provided three quarters by a grant from the Department of the Environment and one quarter by the District Council. Since this landscaping, the Rural District Council ~~Agreement~~ (Parks Department) have, under an agreement made with the Parish Council, mowed the grass.

In his letter of 5 June 1967 the Vicar said:- "Throughout the life time of the oldest inhabitants of Lowick, the land ... has been called The Common and ... under the control of the Parish Council. It is an uneven piece of ground, in area about two acres, and may have been quarried at some time: ... we should be grateful if you (Mr. Gard) could look further into the matter of its ownership".

Mr. Gard in his letter said (in effect): that Lowick Common is in the 1846 Award, not attributed to any private ownership. Mr. Bates identified Lowick Common with an unnumbered open space on the 1845 inset map; the Presbyterian Chapel is thereon marked "Meeting House"; some of the surrounding houses are now different, but generally the layout of the surrounding land was in 1845 much as now.

Mr. Gard said that the 1724 Award, apart from a reference to a limestone quarry in a place called Middle Lane, allotted all Lowick Moor to private persons. Mr. Bates said that the land south of the Village is still known as Lowick Moor.

The District Council have made no claim to ownership, and I therefore assume that their activities in relation to Lowick Common have been done, not on their own account in exercise of any supposed right of ownership, but on behalf of the Parish Council as being the local authority entitled to control. On the evidence outlined above, I conclude that the Parish Council are now and have been for many years in possession of Lowick Common and that it is practically certain that such possession will not be disturbed. Possession in such circumstances is equal to ownership.

For these reasons I am satisfied that the Parish Council are the owners of the land and I shall accordingly direct the Northumberland County Council, as registration authority, to register Lowick Parish Council as the owners 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 six weeks from the date on which notice of the decision is sent to him, require me to state a case for the High Court.

Dated this 15<sup>th</sup>

day of

July

1974

a. a. Baden Fuller

COMMONS COMMISSIONER