



COMMONS REGISTRATION ACT 1965

Reference No.11/U/5

In the Matter of the Green, Aislaby,Stockton R.D., DurhamDECISION

This reference relates to the question of the ownership of land known as the Green, Aislaby, Stockton Rural District being the land comprised in the Land Section of Register Unit No.V.G.37 in the Register of Town or Village Greens 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. H. Lowther claimed to be the freehold owner of the land in question and Mr. R. Eggleston 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 7 November 1972.

The hearing was attended by the Stockton Rural District Council and the Aislaby Parish Meeting who both were represented by Mr. J. R. Tate who is the clerk of the Rural District Council, by Mr. R. and Mrs. E. Eggleston who were represented by Mr. T. M. Burton articled clerk with Messrs. Archer Parkin and Townsend solicitors of Stockton-on-Tees and by Mr. J. H. Lowther in person.

After some discussion during which it appeared that all the persons attending were desirous that this land should be vested in the Rural District Council who intended to delegate the management of it to the Parish Meeting, and it being submitted that subsection (3) of section 8 of the Act would be applicable if no evidence was offered, Mr. Lowther said he did not now claim ownership of the land and did not intend to call any evidence in support of any such claim, Mr. Burton said the same as regards Mr. and Mrs. Eggleston and Mr. Tate said the same as regards the Rural District Council and the representative body of Aislaby (constituted by section 47 of the Local Government Act 1933 to hold land for the purpose of the parish).

In the absence of evidence, I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Durham County Council as registration authority, to register Stockton Rural District Council as the owner of the land under section 8(3) of the Act.

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 13th day of November 1972.

a. a. Baden Fuller,

Commons Commissioner