



In the Matter of River Bank between Wylam
Station and Clara Vale Colliery Site,
Gateshead B

DECISION

This reference relates to the question of the ownership of land described above being the part of the land comprised in the Land Section of Register Unit No. CL 108 in the Register of Common Land maintained by the former Durham County Council of which no person is registered as the owner under section 4 of the Commons Registration Act 1965 or under the Land Registration Acts.

Following upon the public notice of this reference the Ryton Gravel Company Ltd. ("the Company") claimed to be the freehold owner of the land in question 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 in question at Newcastle Upon Tyne on 19 October 1983.

At the hearing Mr F A Jones, Solicitor, appeared on behalf of the Company and there was no appearance by any other claimant.

The Company claims ownership of the part of the land in question included in the property conveyed to it by the surviving personal representatives of Archibald H M Dunn, the Conveyance being dated 25 February 1983. The title of the personal representatives was evidenced by an examined Abstract of Title, supported by two statutory declarations of (1) William H Short dated 25 February 1983 and (2) Alan Parkinson dated 7 February 1983.

The part claimed is the part of the land in question which falls within the area edged red on the attached plan.

On the evidence I am satisfied that the Company is the owner of the part claimed and I shall accordingly direct the Tyne and Wear County Council, as registration authority, to register the Company as the owner under section 8(2) of the Act of 1965. As to the remainder of the land in question, I am not satisfied as to its ownership and it will therefore remain subject to protection under section 9 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
Commons Commissioner