



COMMONS REGISTRATION ACT 1965

Reference No.52/U/11

In the Matter of a piece of
land at Gorsedd

DECISION

This reference relates to the question of the ownership of land known as a piece of land flanked by the dwelling houses "Rosehill and "Panorama" and Gorsedd Farm, Gorsedd, Holywell being the land comprised in the Land Section of Register Unit No.CL.54 in the Register of Common Land maintained by the Flintshire 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. and Mrs. John Mervyn Jones of Panorama Gorsedd claimed to be the freehold owners 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 at Mold on 10 April 1973.

The hearing was attended by Mr. Clement O. Jones, Solicitor, of Holywell, on behalf of the said Mr. and Mrs. John Mervyn Jones. Mr. Clement Jones did not call any oral evidence, but produced statutory declarations by (1) Mr. and Mrs. John Mervyn Jones, and (2) Mr. Gerald Ellis Davies, a solicitor and a neighbour of the claimants. I directed, pursuant to Regulation 22 (1) of the Commons Commissioners Regulations 1971, that these statutory declarations should be embodied in affidavits. Such affidavits were forwarded to me after the hearing.

It appears from the uncontradicted affidavit evidence that Mr. and Mrs. John Mervyn Jones have since a date in 1958 been in exclusive possession and enjoyment of the land in question without any adverse claim being made against them. They bought an adjoining piece of land in June 1958 as a site for a residence, which was built shortly afterwards. The land in question has for upwards of 12 years been occupied and cultivated by them as a garden, and used by them as part and parcel of their residential property, which is called "Panorama". In these circumstances I conclude that they have required a statutory title to the land in question.

For these reasons I am satisfied that the said Mr. and Mrs. John Mervyn Jones are the owners of the land, and I shall accordingly direct the Flintshire County Council, as registration authority, to register them 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 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 *July* 1973.

A. E. Francis

Commons Commissioner