



COMMONS REGISTRATION ACT 1965

Reference No 271/D/5

In the Matter of a Tract of Land
of about 1900 acres called Halkyn
Common, Holywell

DECISION

Since I wrote my decision of 15 October 1975, it has emerged that Mr Payne's failure to attend the hearing was due to a misunderstanding on the part of his Solicitors, who took the notice of the hearing to relate to another matter. In these circumstances, I reopened this matter. I have now been supplied with a Statutory Declaration by Mr Payne exhibiting the documents of title relating to the piece of land, 7.353 acres in extent, shown edged green on the plan annexed to Mr Payne's Notice of Objection. The title deeds show that this land has for upwards of 25 years been dealt with as part and parcel of the farm known as Waen-y-Brodlas at Brynford near Holywell and has been occupied and enjoyed accordingly by the successive owners of that farm. No rights of common have been exercised over it. Indeed, it appears from a letter dated 15 June 1976 from the Secretary of the Halkyn Mountain Graziers and Commoners Association Ltd that the Graziers do not claim that Mr Payne's land is part of the Common.

For these reasons, I refuse to confirm the registration with respect to Mr Payne's said land.

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 *9th* day of *December* 1977

A. E. Francis

Commons Commissioner