



COMMONS REGISTRATION ACT 1965

Reference No. 271/D/7

In the Matter of a Tract of land of
about 1,900 acres called Halkyn
Common, Holywell

DECISION

This dispute relates to the registration at Entry Nos. 18 to 53 inclusive, 55 to 173 inclusive, 175, 177 to 180 inclusive, 183, 185, 187, 189 to 198 inclusive and 200 to 205 inclusive in the Rights section of Register Unit No. CL.11 in the Register of Common Land maintained by the Clwyd County Council and is occasioned by Objection No. 59 made by Mr Oswald Blackwell, Wern Oleu, Rhosesmor and noted in the Register on 4th August 1972.

I held a hearing for the purpose of inquiring into the dispute at Mold on 9th April 1975.

The hearing was attended by Miss F. E. Woodruffe, solicitor, for the Executors of the applicant for registration of the land (the late Duke of Westminster); by representatives of the Halkyn Mountain Graziers and Commons Association Ltd; and by Mr D. P. Edwards for the Representative Body of the Church in Wales (a Rights Applicant). The Objector, Mr Blackwell, did not appear.

Mr Redfern, a land agent to the Duke of Westminster's Estate, told me that the land referred to in the Objection (shown edged red in the plan annexed thereto) is a very small piece of land which has been enclosed by a post and wire fence since the early 1920's. He said that he would now exclude this piece of land from the application for registration.

Mr Emlyn Lloyd, the Clerk to the Community Councils of Halkyn and Northop, told me that he knew this land well, having lived at Rhosemor, about $\frac{1}{2}$ a mile away, all his life, some 66 years. He said that the land has been fenced in since 1920 or thereabouts, and has been occupied by Mr Blackwell for some 30 years.

I am satisfied that no rights of common have been exercised over this small piece of land for upwards of 50 years, and that any rights of common formerly exercised thereover have long since been abandoned.

I refer to my decision under the reference 271/D/1. As appears therefrom, I have refused to confirm the registration of this land as common land; and I refuse to confirm the rights registrations so far as they relate to it.

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 15th day of October 1975

A. E. Francis

Commons Commissioner