



COMMONS REGISTRATION ACT 1965

Reference No. 271/D/2

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 No.1 in the Land 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.14 made by Mr Alfred Henry and Mrs Laura Vera Geoghegan, The Cottage Rhes-y-cae, Holywell and noted in the Register on 16th April 1971.

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, of the firm of Messrs. Bremner Sons & Corlett, Liverpool, on behalf of the Executors of the Most Noble Robert George Duke of Westminster (the Applicant for registration), and by Mr Clement Jones, Solicitor, of Holywell, for the Objectors.

I have set out the broad factual background relating to Halkyn Common in my decision under reference no. 271/D/1. The present objection relates to a small piece of land forming the site of a garage used by the Objectors in connection with their cottage at Rhes-y-cae, Holywell. At the hearing, Mr Clement Jones produced a Conveyance dated 14th October 1974, by which the Executors of the Applicant for registration conveyed this plot of land to the Objectors in fee simple "subject to all rights of common so far as still subsisting". This conveyance left open the question of whether this plot of land is still common land; but subsequently Mr. Clement Jones has forwarded to me at my request an Affidavit by Mr Alfred Harry Geoghegan, from which it appears that in August 1963 Mr Geoghegan was granted a tenancy of The Cottage at Rhes-y-cae by the owners Benjamin Lloyd Jones and Marjorie Lloyd Jones, and that in June 1970 Mr and Mrs Geoghegan purchased the Cottage. Mr Geoghegan states that in August 1963 there was a garage on the plot of land in question and that the plot was enclosed by a wall. The plot and garage were then occupied with the cottage, and have been so occupied by Mr and Mrs Geoghegan ever since. No-one has purported to exercise, nor claimed to be entitled to exercise, any right of common over the plot.

I conclude that any common rights formerly exercisable over this small plot have long since been abandoned.

Accordingly, I refuse to confirm the registration as regards this piece of land (which is shown edged red in the exhibit to Mr Geoghegan's Affidavit).

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.