



COMMONS REGISTRATION ACT 1965

Reference No.52/U/61

In the Matter of a worked-out quarry near
Croes Wian, Caerwys

DECISION

This reference relates to the question of the ownership of land known as a worked-out quarry near Croes Wian, Caerwys, being the land comprised in the Land Section of Register Unit No. CL.36 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 Flintshire County Council as his authority 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 at Mold on 12th December 1973.

Mr. Gibson appeared on behalf of the Flintshire County Council. There was no other appearance. Mr. Gibson produced the Caerwys Parish Award of 1850, from which it appeared that the land in question, under the description "Allotment No.157 Cross at L road 35 perches", was allotted for materials for (inter alia) the repair of highways within the Parish of Caerwys, the getting of the materials being subject to the rules made from time to time by order of the Vestry. The award, however, did not vest the land in the surveyor of highways for the Parish, and accordingly it does not appear to me to have become vested under the relevant highways legislation in the present highway authority. It would appear that the ownership of this land could be vested in the County Council by a scheme made by the Charity Commissioners.

For these reasons I am not satisfied that any person is the owner of the land and it will therefore be 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 this 30th day of January 1974.

A. E. Francis

Commons Commissioner