



COMMONS REGISTRATION ACT 1965

Reference No.52/U/65

In the Matter of Arfryn Quarry, TremeirchionDECISION

This reference relates to the question of the ownership of land known as Arfryn Quarry, Tremeirchion, being the land comprised in the Land Section of Register Unit No.CL.91 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 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 13th December 1973.

Mr. H. W. Weston represented the Flintshire County Council, and produced in support of the County Council's claim the Tremeirchion Parish Award 1852, by which the land in question, under the reference "Allotment No.53.3 roods 30 perches", was allotted to the Surveyor of Highways for the Parish of Tremeirchion as a public allotment for materials for (inter alia) the repair of highways roads and bridleways within the Parish. It appears to me that this land is now vested in the Flintshire County Council as highway authority by virtue of the Local Government Act 1894 and the Highways Act 1959.

Mr. E. W. Black, the owner of the dwellinghouse "Arfryn", which adjoins the land in question, also appeared. Mr. Black told me that the land in question was a rubbish dump and overgrown with brambles. Mr. Black levelled and tidied up the land, covered it with soil, and planted it with some 100 cypresses and evergreen shrubs. No other person has used the land during this period of 6 years. It is clear that Mr. Black cannot claim a statutory title because he has not been in possession of the land for 12 years.

For these reasons I am satisfied that Flintshire County Council is the owner of the land, and I shall accordingly direct the Flintshire County Council, as registration authority, to register itself as the owner of the land under section 3(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 30th day of January 1974

*A. E. Francis*

Commons Commissioner