



COMMONS REGISTRATION ACT 1965

Reference No. 52/D/5

In the Matter of Bryniau, Dyserth,
Rhuddlan D

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL.48 in the Register of Common Land maintained by the former Flintshire County Council and is occasioned by Objection No. 4 made by W G W Hollinson and noted in the Register on 30 December 1969.

I held a hearing for the purpose of inquiring into the dispute at Colwyn Bay on 4 February 1976. The hearing was attended by Mr Hollinson, Mr Tibbells, a noted applicant and Mr Wynn Davies Clerk to the Dyserth Community Council.

Mr Hollinson is the owner of the land in question having acquired it by a conveyance from the Crown in 1964. There are no Entries in the Rights Section of the Register. The land is therefore not Common Land as defined in Section 22 of the Act of 1965. The Crown by a Deed Poll dated 19 August 1932 applied Section 193 of the Law of Property Act 1925 to the land in question and the land was conveyed to Mr Hollinson subject to the rights of the public under and by virtue of the said Deed Poll.

I was pressed by Mr Tibbells to confirm the Registration notwithstanding that the land is not Common Land as defined by the Act of 1965. In my view even if I were free to confirm the Registration no useful purpose would be served by my taking that course. The rights of the public under and by virtue of the said Deed Poll will not be prejudiced in any way by my failure to confirm the Registration and from what I was told at the hearing I have come to the conclusion that some action is called for to prevent the misuse of the land. In my view the interests of all concerned will be best served by leaving the Community Council and Mr Hollinson free to cooperate in accordance with the said Deed Poll and Section 193 of the LPA 1925 unencumbered by a registration under the Act of 1965. Mr Hollinson satisfied me that he was willing to cooperate as also are the Community Council.

For these reasons I refuse to confirm the registration.

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 March 1976

C. A. Lett.

Commons Commissioner