



COMMONS REGISTRATION ACT 1965

Reference No. 271/U/12

In the Matter of Fish Mountain,  
Prestatyn, Rhuddlan D

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DECISION

This reference relates to the question of the ownership of land known as Fish Mountain, Prestatyn, Rhuddlan D being the land comprised in the Land Section of Register Unit No. CL.98 in the Register of Common Land maintained by the former 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 the University of Wales claimed to be the owner of part of the land in question and Rhuddlan BC claimed to be the owner of another part 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 Colwyn Bay on 4 February 1976.

Mr T S Cox of Messrs Peckover Burrill and Owen appeared on behalf of the University of Wales and the Rhuddlan BC appeared by its solicitor Mr McNamee.

Mr Cox produced a lease (with plan attached) dated 28 September 1929, whereby The Commissioners of Church Temporalities in Wales leased the land identified to the Prestatyn UDC. The University of Wales is the successor to the lessors under the said lease and is the owner of the land comprised therein including any part of such land as is comprised in Unit No. CL.98.

Mr McNamee produced a conveyance dated 10 August 1931 (with plan attached) whereby Pearson N Radcliffe and P Radcliffe conveyed to the Prestatyn UDC the land comprised therein including the land identified on the plan annexed to this decision. Rhuddlan DC is the successor to Prestatyn BC and is the owner of the land identified on the plan annexed to this decision.

I shall accordingly direct the Clwyd County Council as the Registration Authority to register the University of Wales as the owner of that part of the land comprised in the said lease dated 28 September 1929 ~~and~~ as part of Unit No. CL.98 under Section 3(2) of the Act of 1965; and I shall accordingly direct the Clwyd County Council as the Registration Authority to register Rhuddlan DC as the owner of the land identified on the plan annexed to this decision under Section 3(2) of the Act of 1965.

In the absence of any evidence I am not satisfied that any person is the owner of the remainder of the land, and it will therefore remain 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 9<sup>th</sup> day of March 1976

*C. A. Suttle.*

Commons Commissioner