



COMMONS REGISTRATION ACT 1965

Reference No. 51/U/14

In the Matter of Land Adjoining Bron
Llan Road Llysfaen in the Borough
of Colwyn Bay

DECISION

This reference relates to the question of the ownership of land known as land at Bron Llan Road Llysfaen in the Borough of Colwyn Bay being the land comprised in the Land Section of Register Unit No. CL33 in the Register of Common Land maintained by the Denbighshire 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 Mrs. Hilda Fairclough of Claremont Horse Lane Orchard, Ledbury claimed to be the freehold owner of the land in question as trustee of the estate of her father Sidney Hirst deceased 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 Denbigh on 21 November 1972.

No one attended the hearing for the purpose of claiming ownership of the land, but, prior to the hearing, Mrs. Fairclough's solicitors Messrs. R. & C.B. Masefield of Ledbury had forwarded to the Commons Commissioners a photostat copy of a conveyance dated 31st August, 1928, together with a copy of the plan referred to in the parcels of that conveyance, from which it appeared that the whole of the land in question had been purchased by and conveyed to one Sidney Hirst in fee simple in the year 1928. Following the hearing, at my request, Mrs. Fairclough's solicitors forwarded me the original of the said conveyance, and also the Probate of Sidney Hirst's Will. Sidney Hirst died on 25th April, 1941, and his Will was proved by Mrs. Fairclough (his daughter) on 9th August, 1941. By his Will, Sidney Hirst gave his residuary real and personal estate (which included the land comprised in the conveyance above referred to) to the Will Trustees in trust for sale, and on beneficial trusts in favour of his daughter Mrs. Fairclough and three named granddaughters. Mrs. Fairclough is the sole surviving trustee of the Will.

For these reasons I am satisfied that the said Mrs. Hilda Fairclough as such trustee as aforesaid is the owner of the land, and I shall accordingly direct the Denbighshire County Council, as registration authority to register her as the owner of the land under section 8(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 15th day of February 1973

H. E. Francis
Commons Commissioner