



COMMONS REGISTRATION ACT 1965

Reference No 52/U/40

In the Matter of Land adjoining Old Rock Farm,  
Gorsedd, Holywell

DECISION

This reference relates to the question of the ownership of land known as land adjoining Old Rock Farm, Gorsedd, Holywell being the land comprised in the Land Section of Register Unit No CL.51 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 Mrs Eileen Patricia Fry of Old Rock Farm, Gorsedd claimed to be the freehold owner of 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 Mold on 11 April 1973.

Mr Gerald E Davies, solicitor, Holywell, appeared at the hearing on behalf of the claimant, and read a statutory declaration by David Hartwell Jones. As there was no other appearance, I ordered that the evidence of Mr Jones should be given in the form of an affidavit. An affidavit was accordingly sworn by Mr Jones on 17 April, 1973.

It appears from this affidavit that the deponent has been familiar with this piece of land for upwards of 50 years. He testifies that Mrs Fry, the present owner of Old Rock Farm or Cottage, and her predecessors in title, have for upwards of 50 years enjoyed the sole use of such part of CL.51 as is shown edged green on the plan exhibited to the affidavit. They have always maintained a clothes' line on this part of the land, and until recently they had one or more outbuildings on it e.g. a garage, wooden shed and lavatory. On this evidence, I conclude that the owner of Old Rock Farm or Cottage has acquired a statutory title to this part of the land.

For these reasons I am satisfied that the said Eileen Patricia Fry is the owner of such part of the land as is shown edged green on the plan annexed to the affidavit herein of David Hartwell Jones sworn 17 April 1973, and I shall accordingly direct the Flintshire County Council, as registration authority, to register her as the owner of the land shown edged green on the said plan under section 8(2) of the Act of 1965.

I am not satisfied that any person is the owner of the remainder of the land comprised in CL.51, 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 24<sup>th</sup> day of May 1973

*A. E. Francis*

Commons Commissioner