



COMMONS REGISTRATION ACT 1965

Reference No. 52/U/16

In the Matter of Land at Garneddwen, LixwmDECISION

This reference relates to the question of the ownership of land known as land at Garneddwen, Lixwm, being the land comprised in the Land Section of Register Unit No. CL.46 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 HERBERT KENDRICK and his wife AGNES MARY KENDRICK, the joint owners of Garneddwen-Fawr Farm claimed to be the freehold owners 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 10th April 1973.

This land was registered as common land by Mr. and Mrs. Kendrick, whose motive in doing so was to protect the grazing which they had enjoyed thereover for many years.

Mrs. Kendrick gave evidence before me. She and her husband bought Garneddwen-Fawr Farm about 12 years ago. Her husband's father had been tenant of the farm from 1900 to 1940, and her husband was tenant from 1940 to 1960. Her husband, and his father before him, had used this land for upwards of 60 years prior to 1962 for grazing their cattle and sheep. The only other person who made any use of it was Mr. J. L. Parry, the owner of Garneddwen-Bach, who used it for the purpose of gaining access to his field O.S.4056. Mr. and Mrs. Kendrick ceased in 1962 to use the land for grazing because of the motor traffic in the adjoining road. About 5 years ago Mr. and Mrs. Kendrick planted shrubs in part of the land.

Mr. J. L. Parry also gave evidence. His evidence, which related to the more recent past, was in line with that of Mrs. Kendrick.

On this evidence, I find that Mr. and Mrs. Kendrick have acquired a statutory title to this land, subject to Mr. Parry's right of way thereover.

For these reasons I am satisfied that Mr. and Mrs. Kendrick are the owners of the land, and I shall accordingly direct the Flintshire County Council, as registration authority, to register Mr. and Mrs. Herbert Kendrick as the owners 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 14th day of May 1973

A. E. Francis