



In the Matter of land at Moel-y-Faen,
Llantysilio Mountain

DECISION

This reference relates to the question of the ownership of land at Moel-y-Faen, Llantysilio Mountain being the land comprised in the Land Section of Register Unit No. CL 213 in the Register of Common Land maintained by the Clwyd 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 two persons 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 Llangollan on 16 March 1982.

Mr T A G Sopwith, Chartered Surveyor, appeared for Mr D Robertson and Mr M Bird-Jones appeared in person.

It was common ground between the claimants that Mr Robertson had originally owned the whole of the register unit (except for a small part at the western end) and had on 19 April 1962 conveyed to Mr Bird-Jones the part which lies to the south of the A 542 road, retaining the part which lay to the north of the A 542 road. Since the hearing I have received a Statutory Declaration made by Mr Bird-Jones on 15 July 1982 in support of his claim to have acquired a possessory title to the small part of the register unit at the western end.

On this evidence I am satisfied that Mr M H Bird-Jones is the owner of that part of the register unit which lies south of the A 542 road and Mr D Robertson is the owner of the remainder of the register unit which lies north of such road and I shall accordingly direct the Clwyd County Council, as registration authority, to register each of them as the owners of the said parts of the land under section 6(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

7th

day of

October

1982

Henry Harker

Commons Commissioner