



COMMONS REGISTRATION ACT 1965

Reference No.51/U/5

In the Matter of Land at Pen-y-Bont
Llanfair Talhaiarn

DECISION

This reference relates to the question of the ownership of land known as Land at Pen-y-Bont Llanfair Talhaiarn being the land comprised in the Land Section of Register Unit No.C.L.23 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 John Roberts claimed to be the freehold owner 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 land at Denbigh on 21 November 1972.

The land in question consists of two small parcels of land, of a total area of 0.59 acres, abutting on the River Elwy, and separated by the A544 road. They appear to have been occupied and enjoyed, at least since the year 1938 (when Dolhaiarn Farm was acquired by Mr. John Roberts as to part by gift from his father and as to the remainder by purchase from one Mary Owen), by Mr. John Roberts as the owner of Dolhaiarn Farm. The land was registered as common land by Mr. Roberts himself, but he appears to have done so simply with the object of preserving his own rights over the land, and it is, I think, doubtful whether, at the date of registration, the land was common land. Certainly, no one other than Mr. Roberts has, since the year 1938, exercised or claimed any rights over it.

For these reasons I am satisfied that John Roberts, "Dolhaiarn", Llanfair T.H. nr. Abergele, Denbighshire is the owner of the land, and I shall accordingly direct the Denbighshire County Council, as registration authority, to register the said John Roberts 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 18th day of December 1972.

A.E. Francis

Commons Commissioners