



COMMONS REGISTRATION ACT 1965

Reference No. 271/D/26

In the Matter of Land at Rhes-y-Gae,  
south east of Waen-Trochwaed Cottage and  
adjoining buildings, Halkyn.

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.15 in the Register of Town or Village Greens maintained by the Clwyd County Council and is occasioned by the conflicting registration at Entry No.1 in the Land Section of Register Unit No.11 in the Register of Common Land.

I held a hearing for the purpose of inquiring into the dispute at Mold on 9th April 1975.

The hearing was attended by Mr. Armon Ellis, Solicitor, on behalf of Halkyn Community Council the successor to Halkyn Parish Council, which applied to register the land as a village green; and by Miss F. E. Woodruffe, Solicitor, on behalf of the Executors of the late Duke of Westminster, who applied to register the land as common land.

Mr William Morgan Reece of Rhes-y-Gae gave evidence in support of the registration of the land as a village green. He told me that he used to play on this land as a boy, and that the villagers of Rhes-y-Gae, especially children, used to play there until the second world war. Latterly, the land had very occasionally been used for recreation, and in recent years the County Council had used it for the storage of chippings and road materials. The only game specifically mentioned by the witness was quoits, which used to be played on the land up to 1930. The land was also, it seems, much used in the past by gypsies as a camping ground.

This land is situate some distance from the village of Rhes-y-cae. It is also to be observed that the inhabitants of Rhes-y-cae had the use of a substantial village green in the centre of the Village (V.G.12), as well as a village green at the north end of the village near the Primary School. I am not satisfied that the use of the land in question for the playing of games by the villagers of Rhes-y-cae was anything other than intermittent. Such use, in my view, does not qualify land as a village green.

It was common ground that the land was either a village green or common land.

For these reasons I refuse to confirm the registration.

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 *November* 1975

*A. E. Francis*

Commons Commissioner