



COMMONS REGISTRATION ACT 1965

Reference No. 51/U/35

In the Matter of land near Bryn Glas
Llanfihangel Glyn Myfyr

DECISION

This reference relates to the question of the ownership of land known as land near Bryn Glas Llanfihangel Glyn Myfyr being the land comprised in the Land Section of Register Unit No. CL.85 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 no person claimed to be the freehold owner of the land in question and no one 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 Ruthin on 4th April 1974.

Mr E.B. Jones of Bryn Glas, the husband of Mrs E.M. Jones, the applicant for registration, appeared on behalf of the applicant. He produced a conveyance dated 19th February 1958, by which Mrs L.C. Parry as vendor conveyed Bryn Glas - a farm of 48 acres - to his wife Mrs E.M. Jones in fee simple "together with the rights of common at present enjoyed over field No. 1006" i.e. the land in question. Earlier conveyances of Bryn Glas made in 1901 and 1929, which the witness produced, were in the same form.

Mr Jones told me that his wife had habitually turned cattle and sheep to graze on the land in question, and that he had not seen anyone else make use of it.

The use of the land by Mrs E.M. Jones is entirely consistent with its having been made in exercise of the rights of common of pasture to which she was entitled and which she has registered. Clearly, it did not constitute adverse possession capable of giving rise to a statutory title.

In these circumstances, I am not satisfied that any person is the owner of the land 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 16th day of August - 1974

A.E. Francis

Commons Commissioner