



COMMONS REGISTRATION ACT 1965

Reference No.52/U/19

In the Matter of Land near Bryn Mawr, Cwm

DECISION

This reference relates to the question of the ownership of land known as land near Bryn Mawr, Cwm, being the land comprised in the Land Section of Register Unit No. CL.40 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 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 Mold on 12th April 1973.

There was no appearance at this hearing, but by a letter dated 25th April 1973 Messrs. Peckover Burrill & Owen, Surveyors, of Denbigh, wrote on behalf of the Trustees of the Bodrhyddan Estate to the effect that, in the absence of a claim by any one else, the Trustees wished to claim ownership of this land. I thereupon directed that the case should be re-listed so as to give these claimants an opportunity to prove their claim. The case was re-heard on 11th December 1973, again at Mold, due notice of the hearing having been given to Messrs. Peckover Burrill & Owen, but they did not appear. Meanwhile, however, researches carried out on behalf of the Flintshire County Council prompted them to claim ownership. The County Council was represented at the hearing by Mr. H. W. Weston, Cwm Parish Council, the applicant for registration, was also represented at the hearing by its Clerk, Mr. Wyn Davies, but no claim to ownership was made by the Parish Council.

The County Council's claim was founded on an Inclosure Award dated 3rd July 1819. Mr. Weston produced extracts from the Award and the annexed maps, from which it appeared that the sole Commissioner, one John Matthews, allotted several allotments in the Parish of Cwm for the purpose (inter alia) of providing materials for the repair of the highways private roads and paths within the Parish of Cwm, and appointed that the said allotments be vested in the Surveyor of the highways for the said Parish in trust for the purposes therein specified. One of such allotments, being that numbered 54 in the Award, consisted of the land comprised in this register unit. Under and by virtue of the Highways Acts 1862-4, the Local Government Act 1894 and the Highways Act 1959, this land has now become vested in Flintshire County Council as the highway authority.

For these reasons I am satisfied that Flintshire County Council is the owner of the land, and I shall accordingly direct the Flintshire County Council, as registration



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authority, to register itself 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 30th day of

January

1974.

A. E. Francis

Commons Commissioner