



COMMONS REGISTRATION ACT 1965

Reference No. 52/U/32

In the Matter of land now known as "Y Waun
(Gwernaffield) Conservation Garden 1970"

DECISION

This reference relates to the question of the ownership of land known as "Y Waun (Gwernaffield) Conservation Garden 1970" being the land comprised in the Land Section of Register Unit No. CL.16 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 Mr. Trevor D. Jones on behalf of Mold Parish Council claimed that the Parish Council was 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 the land at Mold on 11th April 1973. Mr. Trevor D. Jones, Clerk to Mold Parish Council, appeared at the hearing, and gave evidence to the effect that this land was reputed to have been used as a watering place many years ago, but that afterwards it became derelict and an eye-sore. Protracted inquiries by the Parish Council to ascertain its ownership proved abortive. Latterly the local Conservation Committee have transformed this waste into a pleasant garden.

In the absence of any evidence 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 24th day of May 1973

H.E. Francis
Commons Commissioner