



COMMONS REGISTRATION ACT 1965

Reference No. 51/U/4

In the Matter of Land on the Foreshore LlanddulasDECISION

This reference relates to the question of the ownership of land known as land on the Foreshore Llanddilas being the land comprised in the Land Section of Register Unit No. CL.61 in the Register of Common Land maintained by the Clwyd County Council of which no person was registered under section 4 of the Commons Registration Act 1965 as the owner.

This matter first came before me at Denbigh on 21st November 1972, and I refer to my previous decision herein dated 18th December 1972, pursuant to which the Crown Estates Commissioners have been registered as the owners of part of the land comprised in this Register Unit viz. the land referred to as "the blue land" in my previous decision.

There was no evidence at the previous hearing as to the ownership of the remainder of the land, but subsequently the proceedings for the first time came to the knowledge of Alsager Investments Limited, whose Solicitors - Messrs Gamlin Kelly and Beattie, Prestatyn - wrote to the Clerk of the Commons Commissioners on 12th July 1973 claiming that the remainder of the land belonged to the said Company. Thereupon, I directed that this reference should be re-listed to enable me to hear evidence as to ownership of the remainder of the land. This hearing took place at Ruthin on 4th April 1974, when Mr J. Collins of Counsel appeared on behalf of Alsager Investments Ltd. There was no other appearance.

Mr Collins produced an Examined Abstract of Title dated 1946 commencing with a strict Settlement dated 17th September 1878, and ending with an Assent dated 10th July 1945 by which the Public Trustee as special personal representative assented to the vesting in the Right Hon. Thomas Hesketh Douglas Blair the Earl of Dundonald for an estate in fee simple of part of the property comprised in the 1878 Settlement, which included the remainder of the land in question. The Earl of Dundonald subsequently sold the remainder of the land (with other land) to one Leslie Thomas Salt, who bought on behalf of himself and one Harry Karriga. Mr Salt and Mr Karriga in turn sold the same land to Samson Butler Brough in 1951. Mr Collins produced the originals of the various conveyances which gave effect to these transactions, that is to say: (1) a Conveyance dated 2nd October 1946 made between the Earl of Dundonald and Mr Salt (2) a Conveyance dated 3rd October 1946 made between Mr Salt of the one part and Mr Salt and Mr Karriga of the other part; and (3) a Conveyance dated 19th May 1951 made between Mr Ellis and Mr Karriga of the one part and the said Samson Butler Brough of the other part.

Mr Brough established a Beach Caravan Camp on the land and formed a company called Broughs Beach Caravan Camps Ltd, to which he subsequently contracted to sell the land. Mr Brough died before completion of the sale, and subsequently his company agreed to sell the land to Alsager Investments Ltd. There was produced to me the original of a Conveyance dated 29th March 1972 and made between Midland Bank Executor and Trustee Co. Ltd (as Mr Brough's Executor) of the first part, Brough's Beach Caravan Camps Ltd of the second part and



Alsager Investments Ltd of the third part. This conveyance gave effect to the contracts of sale before referred to and the remainder of the land thereby became vested in Alsager Investments Ltd for an estate in fee simple.

For these reasons I am satisfied that Alsager Investments Limited is the owner of the remainder of the land, and I shall accordingly direct the Clwyd County Council, as registration authority, to register Alsager Investments Limited as the owner of the remainder 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 16th day of August 1974

A. E. Francis

Commons Commissioner