



COMMONS REGISTRATION ACT 1965

Reference No 271/U/14

In the Matter of Part of Bodran Mountain
ColwynDC

DECISION

This reference relates to the question of the ownership of land known as part of Bodran Mountain Colwyn DC being the part of the land comprised in the Land Section of Register Unit No CL 29 in the Register of Common Land maintained by the former Denbighshire 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 J M J and M P Whellans claimed to be 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 Denbigh on 23 February 1978. Mr J A Pritchard of Messrs Guest Pritchard & Co appeared for Mr J M J and Mrs M P Whellans. The surviving Trustees of the will of Robert Pierce deed. He produced a Deed dated 8 April 1930 whereby Isaac John Roberts, Richard Roberts and John Owen were appointed Trustees ~~and~~ the said will, and a deed dated 4 August 1939 with plan attached. Whereby the land in question was conveyed by the Commissioners of Crown Lands to said last mentioned Trustees, and a Deed of Appointment whereby Sarah Jones Roberts and the said J M J and M P Whellans were appointed to be the New Trustees of the said will. The said Sarah Jones Roberts died on 1 August 1977 and Isaac Jones Roberts died on 26 November 1971.

On this evidence I am satisfied that J M J Whellans and M P Whellans are the owners of the land, and I shall accordingly direct the Clwyd County Council, as registration authority, to register J M J and M P Whellans as the owners 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

23rd

day of

May

1978

Y. A. Settle

Commons Commissioner



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Colwyn District Council

Supplemental Decision

When I gave my decision dated 23 May 1978, I did not appreciate that the reference related to unclaimed land additional to that claimed by Mr & Mrs Whellans. At the hearing held on 23 February 1978, no person appeared to claim ownership of this additional piece of land and no person had any information as to the ownership thereof, and it will therefore remain 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 supplemental 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

5th

day of December

1978

Commons Commissioner