



Reference No. 51/U/76

In the Matter of part of
Cyrn-y-Brain Mountain,
Llandegla, Glyndwr District,
Clwyd

DECISION

This reference relates to the question of the ownership of land containing about 331.2 acres being part of Cyrn-y-Brain Mountain, Llandegla, Glyndwr District and being the land comprised in the Land Section of Register Unit No. CL 206 in the Register of Common Land maintained by the Clwyd (formerly 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 (a) Messrs Llewellyn Davies and J E Lightfoot on 11 October 1973 told the County Council (County letter of 12 October 1973) that they were of the opinion that Mr R E Barritt was the owner of the land in question, and (b) John H Earl Limited of which Mr Barritt is a director, claimed (their solicitors' letter of 19 October 1973) that the land was vested in them under a conveyance dated 18 November 1958. Later Mr Glynn Williams and Mrs Olive Williams claimed (their solicitors' letter of 11 June 1979) that they had purchased the land. No other person claimed to be the freehold owner of the land in question or 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 Holywell on 17 July 1980. At the hearing Mr G and Mrs O Williams were represented by Mr C Ralph Moore, solicitor practising as Roberts Moore & Son, Solicitors of Mold.

Mr Moore in the course of his evidence produced: (1) a conveyance dated 31 October 1979 by which Mr D T Rattray conveyed to Mr G and Mrs O Williams the Bod Idris Estate of 2,853.27 acres; (2) a conveyance dated 31 January 1979 by which John H Earl (Holdings) Limited and others conveyed to Mr Rattray the lands therein described; (3) a copy certificate dated 17 December 1976 of the change of the name of John H Earl Limited to John H Earl (Holdings) Limited; and (4) a conveyance dated 18 November 1958 by which Mrs R V M Lloyd Alexander and others conveyed to John H Earl Limited; and (5) the Ordnance Survey maps referred to in the October 1979 conveyance. As appears from the plans annexed thereto the land in this Register Unit was included in the lands by the 1958 and the January 1979 conveyances, and as appears from the said Ordnance Survey maps the said land was included in the Bod Idris Estate in the October 1979 conveyance described by reference thereto. Mr Moore said the land was moor land extending (on its east side) to (or nearly to) the top of the Mountain; it is subject to rights of pasture (registered in the Rights Section as ^{Three} rights, each to graze 100 sheep).

The title to the land is by the documents produced regularly deduced. I am therefore satisfied that Mr and Mrs Williams are the owners of the land, and I shall accordingly direct the Clwyd County Council, as registration authority, to register Mr Glynn Williams and Mrs Olive Williams of Pont Styllod, Llandegla as the owners of the land under section 8(2) of the Act of 1965.

TURN OVER



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 7th — day of August — 1980.

a. a. Baden Fuller

Commons Commissioner