



COMMONS REGISTRATION ACT 1965

Reference No.52/U/2

In the Matter of The Bryn
at Carmel, Holywell

DECISION

This reference relates to the question of the ownership of land known as The Bryn lying within a road junction at Carmel, Holywell being the land comprised in the Land Section of Register Unit No.VG.8 in the Register of Town or Village Greens 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. and Mrs. Jeffrey Owens of Celyn Villa Carmel claimed to be the freehold owners of part of the land in question and no other person claimed to have information as to ownership of such part. No one claimed to be the owner of the remainder of the land.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Mold on 10 April 1973.

Mr. Clement O. Jones, Solicitor of Holywell attended the hearing on behalf of the said Mr. and Mrs. Jeffrey Owens. He did not call any oral evidence, but he produced statutory declarations by (1) Mr. I. F. W. Williams, who purchased the dwelling house known as Celyn Villa (which adjoins the land in question) in June 1956 from one Catherine Elizabeth Jones, and (2) Mr. and Mrs. Jeffrey Owens, who now reside in Celyn Villa and who purchased it from Mr. Williams (the father of Mrs. Jeffrey Owens) in November 1971. I directed, pursuant to Regulation 22(1) of the Commons Commissioners Regulations 1971, that these statutory declarations should be embodied in affidavits, and such affidavits were forwarded to me by Mr. Clement Jones after the hearing.

These affidavits show that Mr. Williams was in exclusive possession and enjoyment of that portion of the land in question which is edged yellow on the plan marked "I.F.W.1" exhibited to Mr. Williams' affidavit, and that no adverse claim was made to that portion of the land during Mr. Williams' occupation of it. They further show that, since their purchase in November 1971, Mr. and Mrs. Jeffrey Owens have had exclusive possession and enjoyment of the land edged yellow, without receiving any adverse claim. In these circumstances I find that Mr. and Mrs. Jeffrey Owens have acquired a statutory title to the land edged yellow.

For these reasons I am satisfied that Mr. and Mrs. Jeffrey Owens are the owners of the land edged yellow on the said plan, and I shall accordingly direct the Flintshire County Council, as registration authority, to register them as the owners of such part of the land under section 8(2) of the Act of 1965. I am not satisfied that any person is the owner of the remainder of the land, and I shall accordingly direct the Flintshire County Council, as registration authority, to register Whitford Parish Council as the owner of the remainder of the land under section 8(3) 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

13th

day of

July

1973.

H. E. Francis

Commons Commissioner