



COMMONS REGISTRATION ACT 1965

Reference No. 271/D/41 & 42

In the Matter of The Trap Clayhole
 abutting Ewloe Place, Buckley, Alyn
 and Deeside D., Clwyd

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and Entry No. 1 in the Rights Section of Register Unit No. CL.17 in the Register of Common Land maintained by the former Flintshire County Council and are occasioned by Objection No. 2 made by Capt. P.P. Davies-Cooke and noted in the Register on 16th December 1969.

I held a hearing for the purpose of inquiring into these disputes at Mold on 12th March 1975.

Mr. R.O. Hibbert of Messrs May May and Merriman appeared on behalf of Capt. Davies-Cooke and Mr. Shone and Mr. Roberts appeared on behalf of the Buckley Residents Association and Mr. Jackson appeared in person.

Capt. Davies-Cooke is registered (in my copy provisionally) as the owner of the land in question and Mr. Jackson is the only person who has applied for the registration of a right of common over the land contained in this Register Unit.

The major part of the land in question is a pond which was formerly a clay pit and the concern of the Residents Association who registered the land as common land was to enable the residents to fish in this pond, notwithstanding that no fishing rights have been registered. Capt. Davies-Cooke has leased the fishing on the pond to the local Anglers Association who the secretary told me will admit any local resident to membership on payment of a very small annual subscription.

Mr. Jackson who could only claim grazing rights by prescription and has only grazed in the area for the last seventeen years was unable to satisfy me that he had any rights over the land in question.

No evidence was led that the land is subject to any rights of common or that it was at the date of registration waste of the manor.

For these reasons I refuse to confirm the registrations at Entry No. 1 in the Land Section and at Entry No. 1 in the Rights Section of the Register.

I am required by regulation 50(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 19th day of March 1975

C. A. Seale

Commons Commissioner