



COMMONS REGISTRATION ACT 1965

Reference No 272/U/334

In the Matter of the tract of land known as the north eastern part of Llyn Eiddwen in the Parishes of Llangwryfon and Blaenpennal

DECISION

This reference relates to the question of the ownership of land known as the north eastern part of Llyn Eiddwen being the land now comprised in the Land Section of Register Unit No. CL.155 in the Register of Common Land maintained by Dyfed 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 Dyfed Wildlife Trust ("the Trust") claimed to be the freehold owner of the land in question.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Aberystwyth on 15 June 1994.

At the hearing the Trust was represented by Mr David Williams of Ungoed Thomas and King of Carmarthen, Solicitors.

Mr Williams claimed that the Trust could establish ownership on the basis of a documentary title supported by exclusive possession since about 1980.

The documentary title consisted of photocopies of:

(a) a conveyance of the unit land (together with other land) dated 9 July 1847 and made by the Commissioners of Her Majesty's Woods, Forests etc upon certain uses for life with an ultimate limitation to Isaac Jennings in fee simple: and

(b) a conveyance of the unit land (together with other land) dated 6 April 1981 and made by Miss Marguerite Louise Jennings to West Wales Naturalists' Trust (now the Dyfed Wildlife Trust).

Mr Williams called Mr David Ryman Saunders to give evidence.

Mr Saunders said that he had been the Director of the Trust since 1976. Shortly after his appointment he met Miss M L Jennings who told him that she believed that she was the heiress of her grandfather Isaac Jennings on the basis that she was the sole surviving issue of his sons, her father having died, her only brother and her uncles having all died unmarried and her only aunt not having been heard of for many years.

Despite the hearsay nature of this evidence it was not contradicted or put in doubt by any other evidence and for the purposes of this enquiry I am willing to accept it.

Mr Saunders further said that Miss Isaacs had told him that with a view to the preservation of this part of Llyn Eiddwyn, conveyed to her grandfather by the 1847 conveyance, she wished to give it to the Trust: and with this intention she executed the 1981 conveyance.



Mr Saunders said that since 1981 the Trust had treated the unit land as its own. It had carried out scientific investigations into the various forms of life which exist in this part of the Lake and its shore: it had employed several voluntary wardens to supervise nature conservation there and to conduct occasional visits by members of the Trust: and it had from time to time advertised its ownership in national and local newspapers. Its ownership has never been challenged.

Mr David Idris Morgan of Banellyn Bontnewydd said he was interested in other parts of the Lake and asked Mr Saunders whether it was not true that members of the Trust had occasionally misbehaved themselves when visiting the Lake. Mr Saunders found difficulty in answering this question. Mr Morgan did not claim ownership of any part of the unit land nor did he challenge the Trust's claim.

Mr David Morris Jones of Blaenbeidiog said he was employed as Water Bailiff at the Lake by Aberystwyth Angling Association for many years down to 1980. He did not contradict Mr Saunders' evidence (summarised above) as to events since 1980 nor did he challenge the Trust's claim to ownership.

On this evidence I am satisfied that the Trust is the owner of the land, and I shall accordingly direct Dyfed County Council as registration authority, to register Dyfed Wildlife Trust as the owner 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

5<sup>th</sup>

day of

July

1994

  
Commons Commissioner