



COMMONS REGISTRATION Act 1965

Reference No. 273/U/34

In the Matter of Carn-y-Cefn Common
Abertillery

DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land section of Register Unit No. CL.13 in the Register of Common Land maintained by the Gwent County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

I held a hearing for the purpose of inquiring into the ownership of the land at Cwmbran on 13 January 1988. Mr G W Shellard FRICS appeared on behalf of the claimants Deri Homes Ltd and Messrs. J E Jones and C F Henton, and Mr B Hill FRICS for the Blaenau Gwent Borough Council, Mr H J Jukes another claimant appeared in person Mr Williams solicitor of Messrs. Macquillan and Co of Ebbw Vale appeared for the West Monmouthshire Golf Club Ltd. Mrs J Clarke represented the Registration Authority.

At the hearing the applicants prepared a map ("the first decision map"), a copy of which is attached to this decision, showing the parts of the unit land of which each claims ownership. For the reasons which follow I am satisfied that each claimant is, in fact, the owner of the land shown against his name on that map.

Starting at the south:-

1. Mr H G Jukes produced a conveyance on sale dated 1 December 1975 whereby the land shown against his name on the first decision map and thereon hatched red was conveyed by James Emrys Jones and Clifford Frank Henton to Howell George Jukes in fee simple. On that evidence, taken together with the evidence relating to the title of the vendors set out at no. (2) below, I am satisfied that Mr Jukes is the fee simple owner of this land.
2. James Emrys Jones and Clifford Frank Henton produced a conveyance on sale dated 17 December 1952 made between Guy Temple Montacute Fourth Marquess of Abergavenny (1) Hugh Sidney Egerton, Alfred Carlisle Sayer and Thomas Christopher Gresham Leveson-Gower (2) and James Emrys Jones and Clifford Frank Henton (3) whereby land including the part of the unit land shown against their names on the first decision map, and thereon hatched in pencil, the land conveyed by them to Howell George Jukes by the conveyance referred to above and the greater part of the remainder of the unit land was conveyed to James Emrys Jones and Clifford Frank Henton in fee simple. On that evidence I am satisfied that James Emrys Jones and Clifford Frank Henton are the owners in fee simple of the land marked with their names on the decision map and thereon hatched in pencil.



3. The West Monmouthshire Golf Club Limited produced:-

(1) a conveyance on sale dated 20 November 1951 made between Guy Temple Montacute, Fourth Marquess of Abergavenny (1) Hugh Sidney Egerton, Alfred Carlisle Sayer and Thomas Christopher Gresham Leveson-Gower (2) and John Henry Verwey, Bernard Joseph Carlin and Gathorne Roy Jenkins (3) whereby the land shown on the first decision map against the name of the West Monmouthshire Golf Club Ltd and thereon hatched in green (the "golf club land") was conveyed to John Henry Verwey, Bernard Joseph Carlin and Gathorne Roy Jenkins (trustees of the West Monmouthshire Golf Club) in fee simple.

(2) a conveyance dated 22 April 1954 whereby (John Henry Verwey and Bernard Joseph Carlin having died) Gathorne Roy Jenkins, as surviving trustee, conveyed the golf club land to himself, William Yem and Norman Granville Bainton in fee simple.

(3) a conveyance dated 18 April 1967 whereby Gathorne Roy Jenkins and Norman Granville Bainton (William Yem having died) conveyed the golf club land to the West Mon (sic) Golf Club Ltd in fee simple.

On that evidence I am satisfied that the West Mon Golf Club Ltd is the owner of the golf club land.

4. Blaenau Gwent Borough Council acquired the land against their name on the first decision map and thereon coloured green under three separate conveyances. The areas concerned are shown on the map attached to this decision and marked "The Blaenau Gwent Map".

They produced:-

(1) a conveyance on sale dated 10 May 1972 whereby Parkhill Investments Limited conveyed to the Urban District Council of Ebbw Vale in fee simple the land marked "A" and "C" on the Blaenau Gwent map.

(2) a conveyance on sale dated 22 March 1971 whereby the Nantyglo and Blaenau Estates Limited conveyed to the Urban District Council of Ebbw Vale the land marked "B" on the Blaenau Gwent map in fee simple.

(3) a conveyance on sale dated 30 September 1971 whereby the British Steel Corporation conveyed to the Urban District Council of Ebbw Vale the land marked "D" on the Blaenau Gwent map in fee simple.

On that evidence I am satisfied that the Blaenau Gwent Borough Council as the successor authority to the Urban District Council of Ebbw Vale are the owners in fee simple of the land against their name on the first decision map and thereon hatched yellow.



5. Deri Homes Ltd

Mr Shellard produced a conveyance on sale dated 30 September 1959 whereby James Emrys Jones and Clifford Frank Henton conveyed to Parkhill Investments (Ebbw Vale) Limited in fee simple land which included the land shown against the name of Deri Homes Limited on the first decision map and thereon hatched in red, a conveyance dated 2 April 1973 and made between Parkhill Investments (Ebbw Vale) Limited (1) Deri Property and Development Company Limited (2) and Deri Holdings Limited (3) whereby Parkhill Investments (Ebbw Vale) Limited conveyed to Deri Property and Development Company Limited in fee simple the land conveyed by the conveyance of 30 September 1959 mentioned above and a certificate of incorporation on change of name dated 26 August 1986 certifying that Deri Property and Development Limited is now incorporated under the name of Deri Homes Limited. On that evidence I am satisfied that Deri Homes Limited are the owners in fee simple of the land against their name on the first decision map and thereon hatched in red.

There remained the land hatched in blue at the north of the first decision map ("the land hatched blue"). None of the parties present at the hearing claimed ownership of that land but a number of persons present indicated their belief that the British Coal Corporation was the owner of part of it.

That being so, in spite of the fact that British Coal had written to her on 24 September 1986 disclaiming ownership of any part of the unit land, the Clerk to the Commons Commissioners wrote again to British Coal on 18 January 1988 informing them of the belief expressed at the hearing.

On 3 February 1988 the Solicitor to British Coal replied stating that British Coal was the owner of a substantial part of the land hatched blue and on 5 February sent to the Clerk of the Commons Commissioners certified copies of-

(1) a conveyance dated 4 April 1967 whereby Parkhill Investments Ltd conveyed to the National Coal Board (together with other land) the whole of the land verged red on the plan attached to this decision and marked "second decision map" together with the land coloured blue and yellow on that map.

(2) a conveyance dated 10 February 1978 whereby the National Coal Board conveyed to Blaenau Gwent Borough Council land including the land coloured blue on the second decision map.

(3) a deed of exchange dated 6 January 1977 whereby the National Coal Board, in exchange for other land, conveyed to Deri Property and Development Company Ltd (now Deri Homes Ltd - see above) land including the land coloured yellow in the second decision map.

Since at that stage no claim had been made by Blaenau Gwent Borough Council or Deri Homes Ltd to the above land the Clerk to the Commons Commissioners on 18 February 1988 wrote to British Coal, Blaenau Gwent and Deri Homes Ltd suggesting that the three of them should get together and agree exactly what parts of the land hatched blue on the first decision map they owned and record the boundaries on a better quality map of their part of the unit land.



This they agreed to do and on 5 May 1988 the Solicitor to British Coal sent to the Clerk to the Commons Commissioner the second decision map attached to this decision signed on behalf of each party. Having compared that map with the conveyances referred to above I am satisfied that British Coal are the owner of the land verged red on that map, that Blaenau Gwent Borough Council are the owners of the land coloured blue and that Deri Homes Limited are the owners of the land coloured yellow.

There are also marked on the second decision map two small areas coloured purple which are said to have "formed part of the gardens of houses on a private residential estate prior to 1965".

In a letter to the Clerk to the Commons Commissioners dated 13 May 1988 Mr Shellard on behalf of Deri Homes Ltd wrote as follows-

"Owing to slight mistakes in interpreting the western boundary of the land sold to British Coal by Parkhill Estates (Ebbwvale Ltd.,) (now Deri Homes Ltd.,) two small areas coloured purple on the plan to be sent to you by British Coal are in fact the back gardens of houses erected in Hereford Road Beaufort and the two areas coloured yellow on the same plan were reserved out of the sale to British Coal for the purpose of incorporating in an extension of the Parkhill Estate with the adjoining land. It is hoped therefore that the technical errors which have arisen can be put right by slightly altering the boundary of common land at this point".

Since this unit has been finally registered as common land and I am now only concerned with ownership there can be no question of altering the boundary of the unit. Since even now no claim has been made to the purple land, I can only say that I am not satisfied that any person is the owner.

I shall accordingly direct the Gwent County Council as registration authority to register under section 8(2) of the Act of 1965, British Coal as owner of the land verged red on the map marked "second decision map" attached to this decision. Blaenau Gwent Borough Council as owner of the land coloured blue on that map and Deri Homes Ltd as owners of the land coloured yellow.

Any part of the unit land ownership of which is not registered as a result of this decision will 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 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

17th

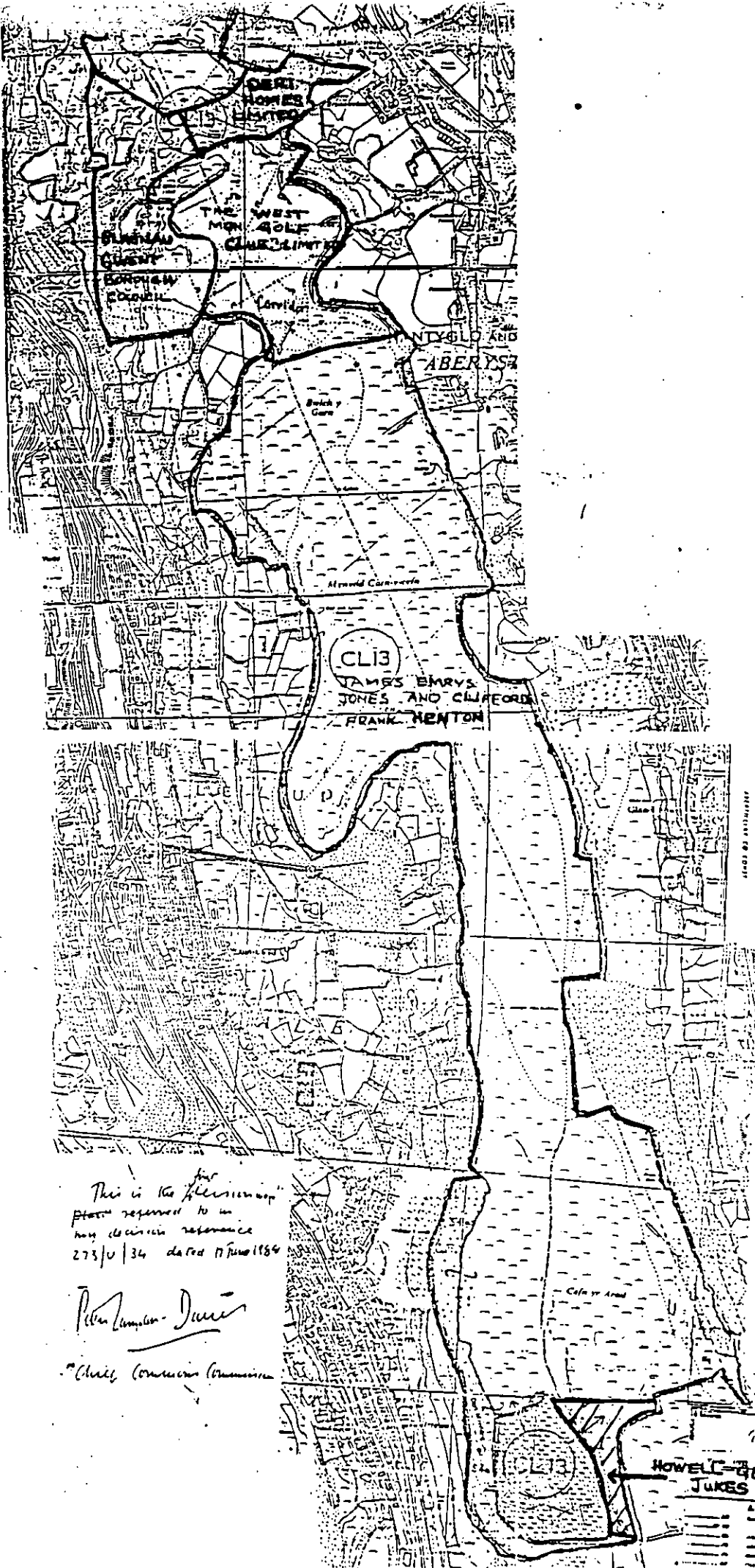
day of

June

1988

Peter Lanyon-Davis

Chief Commons Commissioner

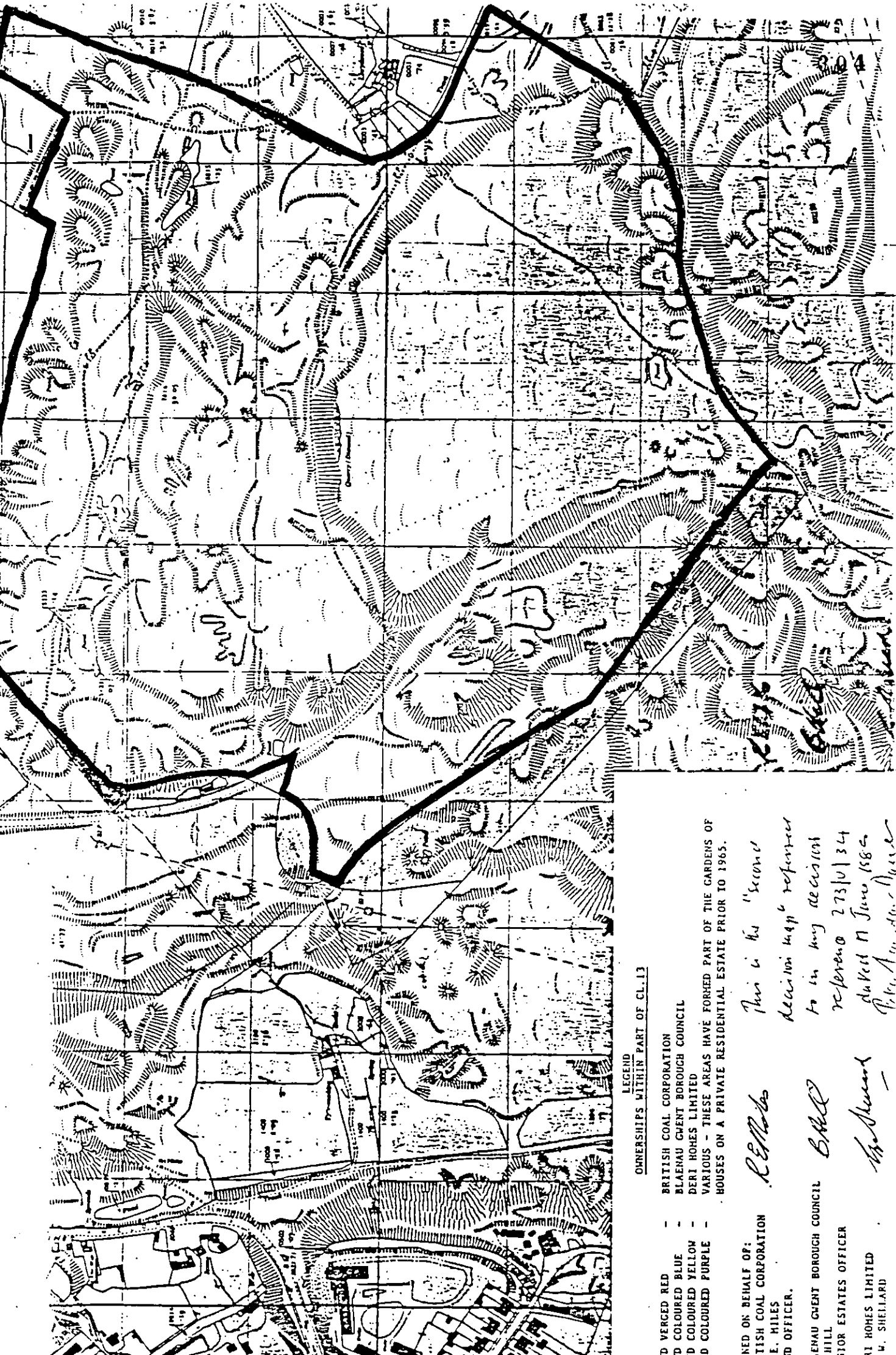


This is the plan
 shown required to us
 by decision reference
 273/U/34 dated 17 June 1954

Peter Tomlinson Jones

Chief, Commission Commission

HOWELL - GEORGE
 JUKES

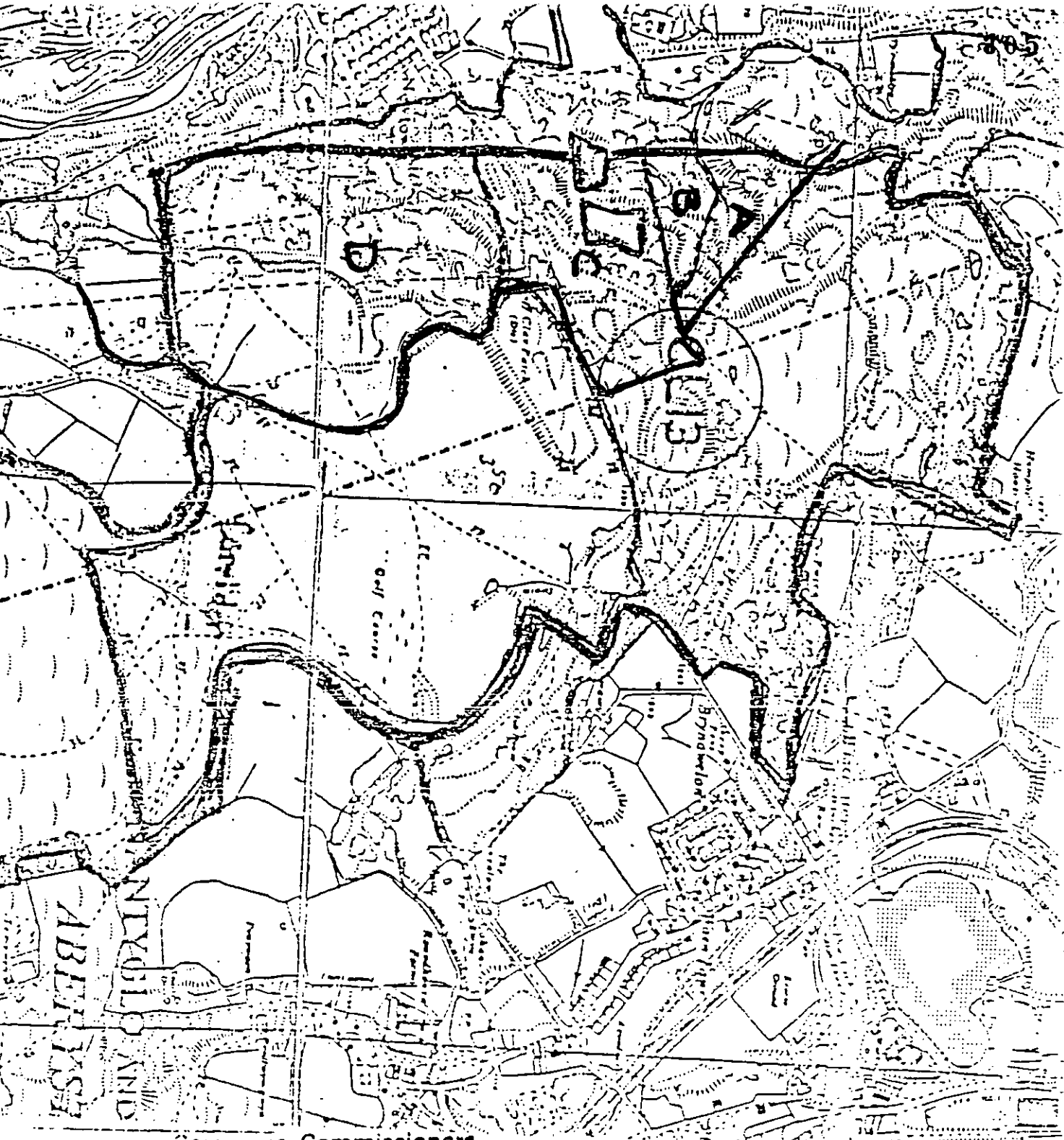


LEGEND
OWNERSHIPS WITHIN PART OF CL. 13

- D VERGED RED - BRITISH COAL CORPORATION
- D COLOURED BLUE - BLAENAU GVENT BOROUGH COUNCIL
- D COLOURED YELLOW - DERI HOGES LIMITED
- D COLOURED PURPLE - VARIOUS - THESE AREAS HAVE FORMED PART OF THE GARDENS OF HOUSES ON A PRIVATE RESIDENTIAL ESTATE PRIOR TO 1965.

FOR AND ON BEHALF OF:
 BRITISH COAL CORPORATION
 E. HILES
 DIRECTOR OFFICER.
 BLAENAU GVENT BOROUGH COUNCIL
 HILL
 CHIEF OFFICER
 DERI HOGES LIMITED
 W. SHELLARD

R. E. Miles
 This is the "second" decision map" reference to in my decision reference 27310/344 dated 11 June 1982
P. W. A. ...



Commons Commissioners
Bullion Cross House, Duncannon Street
London WC6N 4JF

Case Reference 273/U/34

Hearing Date 13/1/88

Verdict Curtilage

Distance 8

Proposed By Ms HILL
of Blaenau Gwent, BC

Clark D L MORRIS

This is the "Blaenau
Gwent map" referred
to in my decision
reference 273/U/34
dated 17 June 1988

Peta Lander-Jones
Chief Commons Councillor