



COMMONS REGISTRATION ACT 1965

Reference Nos. 54/0/5 and 8

In the Matter of Bala Green, Bala,
Meirionnydd D

DECISION

This dispute relates to the registration at Entry No. 1 in the Land section of Register Unit No. VG 5 in the Register of Town or Village Greens occasioned by Objection No. 412 made by Bala Urban District Council and noted in the Register on 14 June 1972 and the conflicting registration at Entry No. 1 in the Land section of Register Unit No. CL 150 in the Register of Common Land maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Dolgellau on 6 November 1975. The hearing was attended by Mr Oliver Jones, counsel on behalf of Meirionnydd District Council as successor to Bala Urban District Council and Mr J L Owen who registered the land as a village green.

This Unit No. VG 5 is larger than and comprises the whole of the land comprised in Unit No. VG 3. The part of the land comprised in this Unit VG 5 and not comprised in Unit VG 3 is land which was acquired by the Bala Festiniog Railway under statutory powers and which later became part of the undertaking of the G.W.R. This railway has now been discontinued and Bala Urban District Council repurchased the land.

Mr Owen argued that the effect of this repurchase was to restore the land repurchased to its original status as part of Bala Green and therefore part of a Town Green. In my view when this land was acquired for railway purposes pursuant to statutory powers such rights, if any, as the inhabitants of Bala had to use the land for recreational purposes were extinguished once and for all, and the repurchase of the land did not and could not have the effect of reviving any such rights. Mr Owen did not refer me to any authority in support of this submission. The land is currently used for industrial purposes and is unsuitable for use as part of a Town Green.

The remaining part of VG 5 not comprised in VG 3 is a roadway maintained by the Highway Authority which cannot be part of a Town Green.

I have by a decision of even date refused to confirm the registration of the land comprised in Unit VG 5 as Common Land (Unit No. CL 150).

For the reasons stated above and in order to avoid duplication I refuse to confirm the registration. The disputes relating to VG 3 I will deal with on the references relating to that Unit.

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 December 1975

C A Lett
Commons Commissioner