

In the Matter of Bychestyn Mountain, Aberdaron

## 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 88 in the Register of Common Land maintained by the former Caernarvonshire 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 Mrs C M Solari and Mr G Roberts each claimed to be the freehold owner of a part of the land in question ("the Unit land") and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Dolgellau on 29 April 1980.

At the hearing Mrs Solari was represented by Mrs J P Evans and Mr G Roberts was represented by Mr R W Roberts, Branch Secretary of the Farmers Union of Wales.

By a Conveyance dated 6 November 1965 William O Jones and Elwyn Evans conveyed to Philip Solari property which included a part of the Unit land identified on the clan annexed thereto: and this property was conveyed to Mrs Solari by Philip Solari by a Deed of Gift dated 9 January 1976. I am satisfied on this evidence that Mrs Solari is the owner of the part comprised in these Deeds which I will refer to as "the Solari Land".

Mr Roberts's claim is to a part of 3 acres which by a conveyance dated 11 April 1972 was conveyed to him together with a farm called Garreg Fawr by Evan Griffith Jones. There is no plan on this conveyance to enable the three acres to be identified but in a conveyance of the same property to Evan Griffith Jones dated 27 March 1957 there is a plan of the Garrag Farm which adjoins the unit land and on the land there is an area of the unit land marked with dotted lines ("the 1957 area") which, though not in the text of the conveyance referred to as the three acres, must I think be intended to indicate them.

The 1957 appears to overlap the Solari land, but it was agreed between the parties that so far as there is an overlapping Mrs Solari's title is to be prevail. In the result I am satisfied as to Mr Robert's ownership of the 1957 area excluding the part which is comprised in the Solari Land.

I shall accordingly direct the Gwynedd County Council, as registration authority, to register under section 8(2) of the Act of 1965, MrsC M Solari as the owner of the Solari land and Mr Gwelym Roberts as the owner of such part of the 1957 area as is not comprised in the Solari land. As to the remainder of the Unit land, I am not satisfied that any person is the owner and it will therefore 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

14 July

1980

hf homo Sund Commons Commissioner