



COMMONS REGISTRATION ACT 1965

Reference Nos 274/D/143 &amp; 144

In the Matter of Cae Star (Part),  
Llandegai, Arfon BC

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DECISION

This dispute relates to the registration at Entry No 1 in the Land Section of Register Unit No VG. 30 in the Register of Town or Village Greens maintained by the former Caernarvonshire County Council and is occasioned by Objection No 126 made by J B Harper and noted in the Register on 26 November 1970, and Objection No 135 made by Bethesda Urban District Council and noted in the Register on 27 April 1972.

I held a hearing for the purpose of inquiring into the dispute at Caernarfon on 16 February 1977. The hearing was attended by Mr Gareth Edwards, counsel, instructed by Messrs Carter Vincent & Co on behalf of Mr Harper the agent for the Penrhyn Estate, Mr Wormald in person and Mr D Edward Smith, Chief Legal Officer to the Arfon Borough Council.

This case is indistinguishable from the case relating to Glan-y-Mor, Unit No VG. 29 Ref 274/D/142, save only that it adjoins the River and Mr Wormald cited as a witness Mr Elwyn Jones Roberts who gave evidence that he fished in the river. The facts as to this fishing are that the local angling club now exercise the fishing rights now or formerly in the ownership of the Penrhyn Estate (I was not told whether the fishing rights were assigned or leased to the Club). Mr Roberts takes out not only a river board licence but also a club licence. It is clear beyond doubt that when Mr Richards goes fishing he is doing so in exercise of the right conferred on him by his club licence and that he is not purporting to exercise the right to fish by virtue of his being an inhabitant of a defined locality. It is open to doubt whether all the fishing rights are vested in the club but in my view that is a matter which may have to be resolved between the club and any riparian owner other than the Penrhyn Estate; Mr Richards in my view has never asserted a right to fish as an inhabitant. A small parcel of this land is leased to Mr Wormald. If he allows inhabitants in the area to have access to that land he cannot by so doing prejudice his landlord and impose on that land the status of a village green.

For these reasons I refuse to confirm the registration.

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 31<sup>st</sup> day of May

1977

*A. J. Hill*

Commons Commissioner