



COMMONS REGISTRATION ACT 1965

Reference No. 50/U/1

In the Matter of Land adjoining
Penrhyn Hill and Pendre Road, Penrhyn
Bay Llandudno, and known as Recreation
Ground, Penrhynside, in the Urban District
of Llandudno

DECISION

This reference relates to the question of the ownership of land known as the Recreation Ground, Penrhynside, Llandudno being the land comprised in the Land Section of Register Unit No. V.G.1 in the Register of Town or Village Greens maintained by the 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 Llandudno Urban District Council claimed to be the freehold owner of the land in question 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 Bangor on 5th December, 1972.

Mr. G.M.C. Driver, the Deputy Clerk to the Llandudno Urban District Council, attended the hearing on behalf of the Urban District Council, and claimed that the Urban District Council was the owner of the land by virtue of the Caernarvonshire Review Order 1934, which abolished the Parish of Penrhyn and vested its property in the Urban District Council. No other person attended the hearing to claim ownership of the land.

The salient facts, as I find them, are the following:

- (i) The land in question was allotted by an Inclosure Award dated 25 April 1843 made under an Inclosure Act 1843 (6 and 7 Victoria) to the churchwardens and overseers of the poor of the ancient parish of Eglwys Rhos "for the recreation of the inhabitants".
- (ii) At the time of the Local Government Act 1894 the ancient parish of Eglwys Rhos was divided between the civil parishes of Eglwys Rhos, Llanrhys and Penrhyn, and it appears that at that time the churchwardens alone were the administering trustees. By orders made by the Charity Commissioners pursuant to s. 14(3) of the Act, the Urban District Council of Llandudno, the Parish Council of Penrhyn, and the Conway Borough Council were authorised to appoint additional trustees.
- (iii) For many years past, the Llandudno Urban District Council have managed this recreation ground for the benefit of the local inhabitants, and have expended money on the maintenance of the ground and on the provision and repair of play equipment for children, who are the principal users and beneficiaries.
- (iv) It does not appear that any individual trustees have been appointed, or purported to act in the administration of this recreational charity for many years; nor am I satisfied that the Review Order of 1934 operated to vest the legal estate in fee simple in the Llandudno Urban District Council.



-2-

For these reasons I am not satisfied that any person is the owner of the land, and I shall accordingly direct the Caernarvonshire County Council, as registration authority, to register Llandudno Urban District Council as the owner of the land under section 8(3) 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

18th

day of

January

1973

Commons Commissioner