



COMMONS REGISTRATION ACT 1965

Reference No 274/U/12

In the Matter of Maenllwyd Common,
Mallwydd, Meirionnydd D

DECISION

This reference relates to the question of the ownership of land known as Maenllwyd Common, Mallwydd, Meirionnydd D being the land comprised in the Land Section of Register Unit No CL. 15 in the Register of Common Land maintained by the former Merioneth 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 Mr J Lloyd claimed to be the freehold owner of the part 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 Dolgellau on 30 July 1976.

Mr G Lloyd of Messrs Guthrie Jones & Jones appeared for Mr J Lloyd. Mr P D F Rouse appeared in person and Mr J D James Secretary of the Farmers Union of Wales appeared for Mr J G Owen.

Mr Lloyd submitted an affidavit sworn by one William Jones aged 79 who had lived in the area all his life and was born at the farm next door to Ty Du and who remembered one Richard Ellis who was then the tenant of Ty Du erecting a fence around the field OS 842 in or about the year 1930 and that Richard Ellis ploughed this field for the first time on or about the year 1939 and farmed this field as his own to the exclusion of all others as part of Ty Du land until he retired in 1961. Richard Ellis died in or about 1970.

John Lloyd gave evidence that he purchased Ty Du in 1960 and that the field OS 842 was fenced in at that time; he ploughed the field in 1973; there had never been any interference and there had been no grazing on the field.

Neither Mr Rouse nor Mr James contested this evidence.

On this evidence I am satisfied that Mr J Lloyd is the owner of the field OS 842 and I shall accordingly direct the Gwynedd County Council, as registration authority, to register Mr J Lloyd as the owner of the field OS 842 under section 3(2) of the Act of 1965.

Mr James did not claim ownership on behalf of Mr Owen whose Entry in the Rights Section is final. In the absence of any evidence as to the ownership of the land in question other than OS 842 it will remain subject to protection under section 9 of the Act of 1965. Mr Rouse claimed ownership of the small rectangular parcel of land on the southwest of the Register map. I assume that the purpose of this rectangle is to exclude this land from the common, but by way of precaution Mr Rouse's ownership of this land was not disputed and I will if necessary give a direction that Mr Rouse is the owner of this land. It will be appreciated if Gwynedd County Council will inform the Commons Commissioners if any such direction is required.



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 9th day of September 1976

C. A. Lett

Commons Commissioner