



COMMONS REGISTRATION ACT 1965

Reference No. 50/U/11

In the Matter of Moel-Y-Gest
in the Urban District of
Portmadoc

DECISION

This reference relates to the question of the ownership of land known as Moel-y-Gest, Portmadoc, being the land comprised in the Land Section of Register Unit No. C.L.67 in the Register of Common Land 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 the Trustees of the Tremadoc Estate claimed to be the freehold owners of such part of the land in question as is hatched blue on the attached plan but no person claimed to be the owner of the remainder of the land in question or 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. C.R. Sacre F.R.I.C.S., of the firm of Yale & Hardcastle, Pwllheli, the agents for the Tremadoc Estate, produced to me a Conveyance dated 25th August 1953, by which the then Lord Fermoy conveyed (with other property constituting the Tremadoc Estate) such part of the land in question as is shown hatched blue on the attached plan to the Right. Hon. Ruth Sylvia Baroness Fermoy and another (since deceased) on trust for sale. Mr. Sacre also produced to me two Deeds of appointment of new trustees dated respectively 2nd May 1968 and 31st October 1970, from which it appears that the present Trustees of the Tremadoc Estate (including the land shown hatched blue on the attached plan) are (1) the Hon. Mary Cynthia Burke Berry (2) the Hon. Frances Ruth Burke Shand-Mydd, and (3) the Right Hon. Edward James Baron Fermoy.

For these reasons I am satisfied that the said Trustees of the Tremadoc Estate are the owners of the land hatched blue on the attached plan and I shall accordingly direct the Caernarvonshire County Council, as registration authority, to register the said Trustees as the owners of the land hatched blue on the attached plan under Section 8(2) of the Act of 1965.

In the absence of any evidence I am not satisfied that any person is the owner of the remainder of the land in question, and it will therefore be 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 this 2nd day of January 1973

A.E. Francis
Commons Commissioner