



COMMONS REGISTRATION ACT 1965

Reference No. 274/U/61

In the Matter of Mynydd Caerdeon,
Llanaber

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 109 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 B Lloyd claimed to be the freehold owner 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 30 April 1980.

At the hearing Mr G Evans, Solicitor, of the firm of J Charles, Hughes and Company appeared on behalf of Mr Lloyd.

By a Conveyance dated 1 April 1954 between (1) Sylvia Hughes ("the Vendor") (2) Ethel Colbeck and Another (3) Edward Richard Lloyd, Susannah Lloyd and John Bryniog Lloyd (the Purchasers), there was conveyed to the Purchasers a farm known as Bwlchcoch Canol and "all such rights as the Vendor may have in the sheepwalk.....which farm and sheepwalk are now occupied and enjoyed respectively by the Purchasers". There is a plan attached to the Conveyance identifying the sheepwalk which is the Unit land: the legend on the plan refers to "sheepwalk shared with Caerdeon and Llwyn Gloddaeth".

As appears from the recitals in the Conveyance the property was by a Vesting Assent dated 23 September 1947 vested in the Vendor as tenant for life under a settlement created by the will of William Wilding Jones. I have seen a certified copy of an Abstract of Title which includes the Vesting Assent and as abstracted the Assent comprises (inter alia) pieces of land commonly known as Sheepwalks shown on a plan attached thereto, and these pieces of land include the Unit land.

There are three rights of grazing registered which have become final, one attached to Caerdeon Hall Farm another to Llwyn Gloddaeth Farm and the third, which was registered on the application in December 1969, of Mr J B Lloyd, to Bwlch-coch-Canol.

Mr J B Lloyd giving evidence said that he and his parents became tenants of the farm (Bwlchcoch Canol) in 1945 and purchased it in 1954, his parents having since died. The farm is about $\frac{3}{4}$ mile from the Unit land and he takes his sheep from the farm to the Unit land over the land of another farm. Since 1945 both Caerdeon and Llyn Gloddaeth have also grazed on the Unit land, though Caerdeon ceased grazing there some ten years ago. There is an old wall around the Unit land with two gates for access - he has done any necessary repairs to the wall but has not exercised any rights over the Unit land apart from grazing.



I am not satisfied on this evidence that Mr Lloyd's claim to ownership has been established. As abstracted the Vesting Assent is in terms applicable to vest the ownership in Sylvia Hughes, but I have seen nothing to show that William Wilding Jones, by whose personal representative the Assent was made, owned the Unit land and it is in my view significant that the Conveyance of 1954 conveyed not the Unit land in terms, but "all such rights as the Vendor may have" in the Unit land and that the plan referred to the Unit land as "shared with" the other two farms. Grazing rights were registered in respect of all three farms, and I am not satisfied that the 1954 Conveyance vested more than grazing rights over the Unit land in the Purchasers or that Mr Lloyd's evidence indicated ownership rather than grazing rights.

In the result I am not satisfied that any person is the owner of the Unit land, 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

25 June

1980

L. J. Morris Smith

Commons Commissioner