



In the Matter of Mynydd Uchaf, Penmaenmawr

DECISION

This reference relates to the question of the ownership of the land above mentioned being the land comprised in the Land Section of Register Unit No. CL.11(C) in the Register of Common Land now maintained by the Gwynedd 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 Mrs Eileen Caswell 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 12 March 1985.

Mr. Selwyn of Jeffreys & Powell, Solicitors of Brecon appeared for Mrs Caswell. No other person appeared or was represented at the hearing.

At Entry No. 1 in the Land section of this register unit the land is described as "Mynydd Uchaf in the Urban District of Penmaen Mawr as marked with a green line inside the boundary on sheets No 4 and 11 of the Register Map..." its area is shown on the Register as 406.4 acres. Register Unit CL.11 adjoins on its southern boundary the N.W. boundary of part of Register Unit CL.49. This latter unit is in two parts and Mrs Caswell is finally registered as the owner of part of the other and more northerly part.

Mr Selwyn produced a Statutory Declaration made by his client on 18 June 1984.. In this Declaration Mrs Caswell refers to a Conveyance dated 21 May 1968 whereby she acquired certain property from the personal representatives of Harold George Rainford deceased.

The Land comprised in the Conveyance is described in the Schedule. Part I of the Schedule is not material to this inquiry. Part II refers to the plan annexed to a Conveyance dated 20 July 1891 the land thereon delineated and coloured pink. I have been shown a photostat copy of this Conveyance.



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In view of the claim put forward by Mrs Caswell in paragraphs 2-4 of her Declaration I must set out the material terms of Part II in full.

"ALL THOSE several pieces or parcels of land (formerly forming part of Foel Lys) situate in the parish of Dwygyfylchi and with other land more particularly delineated on the plan annexed to a Conveyance dated 20 July 1891.....and thereon coloured pink....."

In paragraph 3. Mrs Caswell says that since 1968 she has, like her predecessors in title assumed the ownership of "other land" which includes inter alia the several pieces of land edged red, blue, black, green and purple on the plans herewith marked respectively Plan A, Plan B, Plan C and Plan CA in the several exhibits annexed to her Declaration.

Mrs Caswell then exhibits a wayleave agreement dated 16 August 1922 under which she has collected a yearly licence payment of £23.85. This Exhibit is marked 'E.C.2'

The last page of this Exhibit contains a plan showing 'Existing Line No. 21' which appears to be in that part of Register Unit CL.49 of which Mrs caswell is the registered owner at Entry No.2 in the Ownership section, which terminates at its northern extremity at Echo Rock.

The four plans exhibited to the Declaration include two other Register Units CL.9 and CL.10 in addition to CL.11 and CL.49. At previous hearings before me Mrs Caswell has produced documents of title which satisfied me that she was the owner of Register Units Nos CL. 9 and CL.10.

There is also included in the documents produced by Mrs Caswell a photostat copy of an Indenture made on 16 August 1922 between a Commissioner of Woods on behalf of the Crown on the one part and The North Wales Power Company Limited of the other part granting a wayleave licence in respect of a power line and supporting post~~s~~ over an area which includes the four register units already mentioned and showing three sections of this line marked A-B, C-D and E-F.

Mr Selwyn had only been instructed a short time before 12 March 1985. At the conclusion of his submissions I indicated that on the evidence produced I was not satisfied that his client was the owner of the land but I offered to adjourn the hearing to



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enable him to make further inquiries. This offer was accepted and I have recently received a letter from Mr Selwyn's firm dated 11 August 1986 stating that no further documentary evidence had come to light and requesting me to decide the case on the evidence before me.

As a matter of construction the Conveyance referred to in Mrs Caswell's Statutory Declaration did not purport to convey to the grantee any interest in what Mrs Caswell refers to as 'other land' I have not seen any copy of the plan on the Conveyance of 20 July 1891 which shows what area is coloured pink.

I have no evidence to establish that a licence payment is made in respect of any land to which my inquiry relates.

On this evidence I am not satisfied that any person is the owner of the 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 this *10th* day of *October* 1986

George Hasketh

COMMONS COMMISSIONER