

JL

COMMONS REGISTRATION ACT 1965



Reference No. 274/U/63

In the Matter of Twll Du Bach, Llanaber

DECISION

This reference relates to the question of the ownership of land above mentioned being the land comprised in the Land Section of Register Unit No. CL 5 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 Messrs E G and G Evans 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 Dolgellau on 8 February 1984.

Mr A M Dancer of Messrs Griffith-Adams, Solicitors of Dolgellau who appeared for Messrs Evans the claimants. This reference was first heard by Mr L J Morris Smith at Dolgellau on 30 April 1980. There was no appearance at the hearing and the matter was dealt with pursuant to section 9 of the Act of 1965. Subsequently Mr Morris Smith agreed to re-open the hearing at the request of Messrs Chattertons, Solicitors of Horncastle, Lincs, acting for Mr Paul Deloncoix Tointon who claimed to be the owner of the land and to have been unaware that a reference as to ownership was being heard.

No one appeared before me on behalf of Mr Tointon. Mr Dancer said that he had only been instructed on the day before the hearing so I agreed to defer my decision to enable him to submit evidence of his clients' claim. I have lately received a letter from Mr Dancer saying that having examined his clients documents of title, their claim was withdrawn.

In the absence of any 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

4th

day of

April

1984

Henry Harkness

Commons Commissioner