



COMMONS REGISTRATION ACT 1965

Reference No. 271/U/9

In the Matter of Carreg Heilyn,
North of Dyserth, Rhuddlan D

DECISION

This reference relates to the question of the ownership of land known as Carreg Heilyn North of Dyserth, Rhuddlan D being the land comprised in the Land Section of Register Unit No. CL.58 in the Register of Common Land maintained by the former Flintshire 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 Bodrhyddan Estate claimed to be the freehold owners of 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 Colwyn Bay on 4 February 1976.

Mr J G Lloyd of Messrs Peckover Burrill & Owen agents for the Bodrhyddan Estate appeared on behalf of the trustees and Mr O Wynn David clerk to the Dyserth Community Council appeared on behalf of the Council but had no information as to the ownership of the land not claimed by the State.

Mr Tibbells who was present at the hearing told me that his wife was joint tenant of the land claimed by the Estate and owners of adjoining land and that his wife and brother in law are satisfied that the Estate owns the land claimed by it, which is that part of the land in question lying East of the escarpment clearly defined on the Register map. On this evidence I am satisfied that the trustees of the Bodrhyddan Estate are the owners of that part of the land in question claimed by them as defined above and I shall accordingly direct the Clwyd County Council as registration authority to register Sir Owen William Watkin Wynn and Sir John Tilney as the owners of that part of the land in question under section 8(2) of the Act of 1965.

As regards the remainder of the land, 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 9th day of March 1976

C. A. Settle.

Commons Commissioner