



COMMONS REGISTRATION ACT 1965

Reference No. 52/U/48

In the Matter of Land near Tan y Graig
Lixwm, Ysceifiog

DECISION

This reference relates to the question of the ownership of land known as Land near Tan y Graig, Lixwm, Ysceifiog being the land comprised in the Land Section of Register Unit No. CL.73 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 Mr. Charles Henry Roberts of Tan-y-Graig 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 Mold on 8th April 1975.

Mr. Gerald Davies Solicitor, of the firm of Gerald Davies and Oakes, Holywell appeared on behalf of the Claimant. Mr Davies produced the title deeds of Tan-y-Graig. By a Conveyance dated 16th June 1945, the holding called Tan-y-Graig (comprising a house farm buildings and land) was conveyed to Mr & Mrs James Robinson in fee simple. The holding so conveyed included the land in question. By a conveyance 27th October 1955, Mr & Mrs James Robinson conveyed the same property to Mr William Roberts (the father of the Claimant) in fee simple. Mr William Roberts died in 1968, and by his Will he gave the property to the Claimant, in whom it was vested by an Assent dated 13th November 1968.

Mr. Armon Ellis also appeared at the hearing in his capacity as owner of the cottages called Fron Deg, which adjoin the land in question. Mr Ellis did not dispute the ownership of the Claimant, but claimed to be entitled to a right of way over the land in question for the purpose of access to and egress from Fron Deg. This right of way was admitted on behalf of the Claimant.

On this evidence I am satisfied that the said Charles Henry Roberts is the owner of the land, and I shall accordingly direct the Clwyd County Council, as registration authority, to register him as the owner of the land under section 8 (2) 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

15th

day of

October

1975

A. E. Francis

Commons Commissioner