



COMMONS REGISTRATION ACT 1965

Reference No.52/U/83

In the Matter of two areas of land
north west of Foel-dda-Bach, Babell

DECISION

This reference relates to the question of the ownership of land known as two areas of land north west of Foel-dda-Bach, Babell, being the land comprised in the Land Section of Register Unit No. CL.120 in the Register of Common Land maintained by the 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 Flintshire County Council claimed to be the freehold owners of the whole of the land in question. Messrs. Llewellyn Jones and Armon Ellis, Solicitors, on behalf of clients mentioned below, claimed to be the freehold owners of one of the two areas in question. 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 12th December 1973.

Mr. Gibson appeared on behalf of the Flintshire County Council. He confirmed his claim to the area of land not claimed by Messrs. Llewellyn Jones & Armon Ellis's clients i.e. the piece consisting of 0.21 of an acre. The County Council's claim was based on the Ysceifiog and Nannerch Inclosure Award 1805, which was produced by Mr. Gibson, and from which it appeared that this area of land was allotted, under the reference "Allotment No. 110a. 1r. 30p", for materials for (inter alia) the repair of highways within the Parishes of Ysceifiog and Nannerch. The Award, however, did not vest this land in the surveyor of highways for the Parishes, and accordingly it does not seem to me that this land has become vested in the present highway authority under the relevant highways legislation. It may well be that it could be vested in the County Council by a scheme made by the Charity Commissioner

Mr. Armon Ellis of the firm of Messrs. Llewellyn Jones & Armon Ellis appeared on behalf of Mr. John Edward Davies and his wife Mrs. Gwen Ellen Davies, both of Rhedegfa Pantasaph near Holywell, and their son Mr. Joseph Ronald Davies of The Lower Stables Farm, Pantasaph, who claimed to be freehold owners of such part (being 0.79 of an acre) of the land in question as ~~forms part of~~ O.S. 6500 on the register map. In support of the claim, Mr. Armon Ellis produced the following documents of title:-

(a) A Conveyance dated 21st April 1921, by which Lord Mostyn as tenant for life of the Mostyn Estate conveyed Lower Stables Farm, Pantasaph, to one Abel Hughes in fee simple. The parcels included a piece of land described as "O.S. 1744. Rough 0.819 acre which was in fact the part of the land in question forming part of O.S. 6500 on the register map.

(b) A Conveyance dated 10 November 1941, by which the said Abel Hughes conveyed Lower Stables Farm (including O.S. 1744 previously referred to) to Mr. John Edward Davies and his wife Mrs. Gwen Ellen Davies in fee simple as joint tenants at law and in equity.



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(c) A Deed of Gift dated 10th November 1969, by which the said John Edward Davies and Gwen Ellen Davies conveyed the whole of Lower Stables Farm to themselves and their son Joseph Ronald Davies in fee simple as beneficial joint-tenants.

For these reasons I am satisfied that the said John Edward Davies, Gwen Ellen Davies and Joseph Ronald Davies are the owners of such part of the land in question as forms part of O.S. 6500 on the register map, and I shall accordingly direct the Flintshire County Council, as registration authority, to register them as the owners of that part of the land under section 8(2) of the Act of 1965.

I am not satisfied that any person is the owner of the remaining part of the land and it will therefore be 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 *30th* day of *January* 1974.

H. E. Francis

Commons Commissioner