

COMMONS REGISTRATION ACT 1965

Reference No. 272/U/335

Register Unit No. VG13

**In the matter of part of a tract of land comprising about 9.256 acres adjacent to public highway A484 known as Cwmins Bach (“Cwmins Bach”), and situate at Rhos in the Community of Llangeler
And in the matter of ownership of unclaimed land**

DECISION

1. On 15th July 2002 a Notice of Reference was made on behalf of the Registration Authority, Carmarthenshire County Council, by the Clerk to the Commons Commissioners relating to Cwmins Bach and the question of its ownership. It was unclaimed land.
2. The problem that had occurred concerned the conflicting registrations of Cwmins Bach both as a Common and as a Village Green. To understand the position it is necessary to delve into the historical background of these registrations. Unfortunately, the Decision of Mr Baden Fuller, the Chief Commons Commissioner, made on 26th June 1984 cannot be found.
3. On 14th October 1967 an application was made to register Cwmins Bach as Common Land by then Llangeler Parish Council. This was duly recorded in the Land Section of the Register, being Register Unit No CL22. This was followed on 26th November 1969 by an application made by Carmarthenshire County Council to register Cwmins Bach as a Village Green. Thus it was duly recorded in the Land Section of the Register, being Register Unit No VG13.

4. The question of unclaimed ownership of the land was referred to the Commons Commissioners on 14th January 1980, but was withdrawn when it became apparent that there existed two parallel registrations in the different Registers, albeit provisional registrations.
5. The matter was then finally settled following the hearing, which took place in order to resolve the question, to which I have referred above. Precisely what transpired during the course of that hearing and the content of the Direction made by the then Chief Commons Commissioner are unknown. However, it appears from the entries in the Land and Rights Section of Unit No. VG13 that the provisional entries made became final following his decision. The entries made in Unit No. CL22 were deleted.
6. However, no claim to ownership of Cwmins Bach has been recorded in the Ownership Section of the Register Unit No VG13 – hence the Notice of Reference by the Registration Authority. I should state that it is not land registered at HM Land Registry.
7. On 15th November 2002 I held a hearing in Carmarthen for the purpose of inquiring into the question. At the hearing a number of people attended and written representation were produced on behalf of the Mr Alun L Jones, the Clerk to Llangeler Community Council. He could not be present the hearing. I also heard from a number of those persons present whose names appeared on the attendance list (including Mr Roberts of Brynoethwynt) as to the length of time Cwmins Bach has been treated as “common land” by the inhabitants of Rhos. Mr Roberts gave evidence that he was the last person to rent the land from the then Llangeler Parish Council.
8. No other claim was made or evidence produced at the Inquiry to cast doubt on this. Indeed, there was general agreement that the owner of Cwmins Bach should be Llangeler Community Council and the historical evidence supports this. The Registration Officer did not dissent from this course of action. I am satisfied that Llangeler Community Council should be so registered.

9. I shall accordingly direct that Llangeler Community Council be registered as the owner of the Cwmins Bach in the Ownership Section of Register Unit VG13 in accordance with my powers to do so pursuant to section 8(3) of the Commons Registration Act 1965.

10. 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 the notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 13th day of March 2003

Edward F Cousins
Chief Commons Commissioner