



COMMONS REGISTRATION ACT 1965

Reference No. 274/U/114

In the Matter of Craigyllyn Mountain,  
Llanddwyweisygraig, Meirionnydd D

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL 58 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 claims to ownership of the land in question ("the Unit land") were made by (1) Mr and Mrs H T Wynne and (2) Mr and Mrs A Ratcliffe: 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 Unit land at Dolgellau on 9 March 1982. Mr D R Jones, Solicitor, appeared at the hearing on behalf of Mr and Mrs Wynne: Mr J B Williams, Solicitor, on behalf of Mr and Mrs Ratcliffe and Mr J D James, County Secretary of Dolgellau Farmers Union, represented Mr D W Owen who has a registered right of piscary but did not claim ownership of the land. *Mr D R Jones also represented Mrs K Roberts, who has a registered grazing right but makes no claim to ownership.*  
 The Unit land is a considerable area, some 92 hectares according to the Register, of mountain pasture, the western boundary of which passes through the waters of Llyn Irddyn. There are three grazing rights registered: of these one was registered by Mr H T Wynne as attached to a farm called Meifod Uchaf, and one by Mrs K Roberts as attached to a farm called Frongaled.

The claim to ownership by Mr and Mrs Wynne is based on two Conveyances dated respectively 3 May 1922 and 8 June 1960. By the 1922 Conveyance the farm Frongaled was conveyed to David Williams together with the right of pastureage jointly with other persons entitled thereto for 100 sheep upon a piece of land shown on a plan, the Purchaser paying one half of the rates levied on the piece of land. On the plan the piece of land shown is identifiable as the Unit land. By the 1960 Conveyance there was conveyed to Mr and Mrs Wynne by the executor of David E Davies a farm called Meifod Uchaf and (secondly) the portion of the mountain Ffridd known as Ffridd Craig y Lynn Irddyn and the portion of Llyn Irddyn appurtenant to Meifod Uchaf, all of which properties were then in the possession of H T Wynne as tenant.

The claim to ownership by Mr and Mrs Ratcliffe is based on a Conveyance dated 15 May 1961 and two subsequent conveyances dated 28 November 1975 and 8 February 1982. By the 1961 Conveyance there was conveyed to Mr and Mrs Robert Jones by the executor of David E Davies a farm called Meifod Isaf and (secondly) all that portion of the mountain Ffridd known as Ffridd Craig y Lynn Irddyn and the portion of Llyn Irddyn then in the possession of the purchasers as tenants.



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By the 1975 Conveyance property which included, by the same description, the portions of Craig y Llyn and Llyn Irddyn ~~were~~ conveyed by Mrs Jones, whose husband had died, to Marian Ratcliffe, who by the 1962 Conveyance and by the same description conveyed the portions (with other property) to Mr and Mrs A Ratcliffe. I have seen an examined Abstract of Title relating to Meifod Isaf, which includes a Conveyance of 10 December 1920 to David E Davies: in an itemised Schedule to this Conveyance there are included "No. 620 (other part of) Ffridd Craig y Llyn Irddyn 53.794 acres" and "No. 620a (other part of) Lake Iryddyn 5.780 acres". Having regard to the area of the Unit land recorded in the Register, the parts included in this Conveyance of Meifod Isaf, which on the documents are not identifiable, were about one quarter of the whole.

The documentary evidence supports claims to ownership of some portions of the Unit land but provides no reliable evidence of the identities of the portions or whether they together comprised the whole of the Unit land. No evidence was adduced as to the site of the portions stated in the Conveyances of 1960 and 1961 to be in the possession of the respective purchasers, or as to any acts of ownership in relation to specific areas of the Unit land. The difficulty of identifying the areas claimed by their respective clients was appreciated by Mr Jones and Mr Williams, who submitted that a finding of joint ownership of the whole would be justified. While sympathising with this *cfi du coeur*, I am required by the Act to be satisfied as to ownership, and on the evidence I do not think it is established that either claimant owns an identifiable part of the Unit land or that together they own the whole. In the result, I am not satisfied that any person is the owner of the Unit land or of any identifiable part of it, 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

27 September

1982

Commons Commissioner