



COMMONS REGISTRATION ACT 1965

Reference No 274/D/147

In the Matter of Y Parc,
Llandegai, Arfon BC

DECISION

This dispute relates to the registration at Entry No 1 in the Land Section of Register Unit No VG. 33 in the Register of Town or Village Greens maintained by the former Caernarvon County Council and is occasioned by Objection No 129 made by J B Harper and noted in the Register on 26 November 1970.

I held a hearing for the purpose of inquiring into the dispute at Caernarfon on 16 February 1977. The hearing was attended by Mr Gareth Edwards counsel instructed by Messrs Carter Vincent & Co on behalf of Mr Harper agent for the Penrhyn Estate, Mr D Edward Smith Chief Legal Executive to the Arfon Borough Council and Mr Wormald in person. Part of this land is owned by the Penrhyn Estate and for the reasons given in my decision on Ref 274/D/142 I must refuse to confirm the registration as regards this part of the land.

The remainder of the land is owned by the Arfon Borough Council whose predecessor the Bethesda Urban District Council acquired it in 1951 from the Penrhyn Estate subject to and with the benefit of a lease granted to S E Orme for 30 years from 12 November 1933, which said lease had been assigned to the Urban District Council on 28 July 1949. The land owned by Arfon Borough Council is in fact used for the playing of tennis and bowls and was so used prior to 1949 when Mr Orme charged for the use of the courts and bowling green. This use of the land and indeed every other use of the land is under the control of Arfon Borough Council which is free to close the parc and to make such charges as it may consider necessary or desirable. Every use of the parc is by virtue of the permission or licence of the Arfon Borough Council and such use is not as of right nor is the use restricted to inhabitants of Bethesda and no evidence was led that any inhabitant who availed himself of the facilities of the parc ever considered that he was doing so by virtue of his being an inhabitant.

For these reasons I refuse to confirm the registration.

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 17th day of June

1977

G. A. Settle

Commons Commissioner