



COMMONS REGISTRATION ACT 1965

Reference No. 52/U/79

In the Matter of land north-east of
Capel y Berthen, Lixwm, Ysceifiog

DECISION

This reference relates to the question of the ownership of land known as land north-east of Capel y Berthen, Lixwm, Ysceifiog being the land comprised in the Land Section of Register Unit No. CL.114 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 both the Lixwm Village Hall Trustees and Clwyd County Council claimed to be the freehold owners 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 9th April 1975.

Mr Armon Ellis, Solicitor, of the firm of Llewellyn Jones & Armon Ellis, Mold, appeared on behalf of the Lixwm Hall Village Trustees, and Mr J. C. Fisher appeared for Clwyd County Council.

Mr Armon Ellis produced (1) a Conveyance (hereinafter called "the Conveyance") dated 7th October 1937 and made between His Majesty The King of the first part the Commissioners of Crown Lands of the second part the Parish Council of Ysceifiog of the third part and Norman Griffith Smith and others (the Trustees) of the fourth part and (2) an Order (hereinafter called "the Order") dated 23rd January 1938 made by the Charity Commissioners.

By the Conveyance the land in question was conveyed to the Trustees in fee simple upon the charitable trusts set forth in the First Schedule thereto. Clause 1 of such Schedule provided that the Trustees should forthwith apply to the Charity Commissioners for an Order vesting the trust premises in the Official Trustee of Charity Lands; and by Clause 3 of the same Schedule the general management and control of the trust premises was vested in a Council of Management constituted as provided by the provisions of the said schedule.

By the Order the land in question was vested in the Official Trustee of Charity Lands, now the Official Custodian for Charities.

Mr Fisher on behalf of the County Council conceded that the land in question is now vested in the Official Custodian and the trusts set out in the First Schedule to the Conveyance.

On this evidence I am satisfied that the Official Custodian for Charities as such trustee as aforesaid is the owner of the land, and I shall accordingly direct the Clwyd County Council, as registration authority, to register the Official Custodian for Charities as the owner of the land under section 8(2) of the Act of 1965.



- 2 -

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