



COMMONS REGISTRATION ACT 1965

Reference No. 51/U/15

In the Matter of land on Banks of River Alwen
Llanfihangel Glyn Myfyr

DECISION

This reference relates to the question of the ownership of land known as land on the banks of the River Alwen Llanfihangel Glyn Myfyr being the land comprised in the Land Section of Register Unit No. CL.35 in the Register of Common Land maintained by the Clwyd 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 Messrs Birch Cullimore & Co., Solicitors of Chester, claimed that their client Mr R.K.L.S. Mainwaring was the freehold owner 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 Denbigh on 21st November 1972.

No ~~other~~ person attended that hearing, but, as Messrs Birch Cullimore & Co., in their letter of claim indicated that they had not had sufficient time to prepare their case, I stood over the matter so as to give them an opportunity, if they wished, of filing an affidavit in support of their client's claim. Eventually, however, this claim was abandoned and the reference was re-listed. I re-heard the case at Ruthin on 4th April 1974.

At this hearing, Mr Trefor Jones, the Clerk to Llanfihangel G.M. Parish Council, told me that the Parish Council did not claim ownership. On this occasion, however, a claimant did appear in the person of Mr. Thomas Lloyd Jones of Caer Drunod Farm, Llanffihangel G.M.

Mr Lloyd Jones testified that he, and his father before him, had been the successive owners of Caer Drunod, a holding of some 130 acres, since before 1938.

In that year, his father had put up a fence along the line marked in red on the map which he produced and is attached to this decision. This fence has ever since been maintained by the witness' father and by the witness as the successive owners of Caer Drunod. Prior to 1938, the Forestry Commission had put up a fence along the line marked in blue on the said map. The witness told me that he, and his father before him, have had the sole and exclusive enjoyment of the grazing on the land in question since before 1938 as part and parcel of Caer Drunod and without objection from anyone. In these circumstances, I conclude that the claimant has acquired a statutory title to this land.



For these reasons I am satisfied that the said Thomas Lloyd Jones is the owner of the land lying to the south of the area hatched violet on the Register map and I shall accordingly direct the Clwyd County Council, as registration authority, to register him as the owner of that part of the land under section 8(2) of the Act of 1965.

In the absence of any evidence I am not satisfied that any person is the owner of the land lying to the north of the area hatched violet on the Register map 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 16th day of August - 1974

A. E. Francis

Commons Commissioner