



COMMONS REGISTRATION ACT 1965

Reference No.51/U/7

In the Matter of Land part of
Moel Fodiar Llanefydd

DECISION

This reference relates to the question of the ownership of land known as Land part of Moel Fodiar Llanefydd being the land comprised in the Land Section of Register Unit No.C.L.56 in the Register of Common Land maintained by the Denbighshire 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 Thomas Hughes Evans claimed to be the freehold owner of such part of the land in question as is edged red on the attached plan and Price Jones claimed to be the freehold owner of such part of the land in question as is edged blue on the said plan.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Denbigh on 21 November 1972.

Having perused (1) a Conveyance dated 31 December 1963 made between R. E. Wynne and others as Vendors of the one part and the said Thomas Hughes Evans as Purchaser of the other part, (2) the plan drawn on the Conveyance dated 10 July 1897 referred to in the parcels of the said Conveyance of 1963, and (3) the Conveyance dated 4 October 1918 referred to in the same parcels, I conclude that the whole of the land edged red on the attached plan was comprised in the said Conveyance of 1963, and became vested accordingly in the said Thomas Hughes Evans for an estate in fee simple. Mr. Evans gave oral evidence that he has been in exclusive possession and enjoyment of this land since his purchase in 1963.

As regards the field edged blue on the attached plan, this was included in a Conveyance dated 21 December 1926 of Nant Ucha Farm to Isaac Jones (the father of the claimant Price Jones), the field being referred to expressly in the exception of mines and minerals and sporting rights as "one piece of land thereof containing 5.603 acres or thereabouts". On the death intestate of Isaac Jones on 2 December 1940, the farm passed to his widow Anne Jones, and, on her death intestate on 4 March 1957, it passed to her only child, the claimant Price Jones. Mr. Price Jones gave oral evidence to the effect that, since the death of his father, he has farmed this field as part of Nant Ucha.

For these reasons I am satisfied that the said Thomas Hughes Evans of Gwyndy, Llanefydd is the owner of the land edged red on the said plan, and that Price Jones of Nant Ucha, Llanefydd is the owner of the land edged blue on the said plan, I shall accordingly direct the Denbighshire County Council, as registration authority, to register the said Thomas Hughes Evans as the owner of the land edged red on the said plan under section 8(2) of the Act of 1965, and to register the said Price Jones as the owner of the land edged blue on the said plan under the said section 8(2).



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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 18th day of December 1972.

A. E. Francis

Commons Commissioner.

