



COMMONS REGISTRATION ACT 1965

Reference No 51/U/59

In the Matter of Old Quarry, Cyffylliog,
Glyndwr D

DECISION

This reference relates to the question of the ownership of land known as Old Quarry, Cyffylliog, Glyndwr D being the land comprised in the Land Section of Register Unit No CL. 242 in the Register of Common Land maintained by the former 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 Mr & Mrs Smith claimed to be the freehold owners of part of the land in question.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Llangollen on 8 December 1977.

Mr I G Ewing of Messrs G F Lees & Son appeared for Mr & Mrs Smith and Mr P M Rennie appeared in person.

Mr Ewing produced a conveyance dated 2 August 1972 to Mr Smith with a scale plan annexed thereto a photocopy of which is annexed to this decision, a deed of gift dated 25 January 1973 vesting the land in Mr & Mrs Smith, and a later deed dated 7 April 1975 whereby Mr Rennie conceded Mr & Mrs Smith's ownership of that part of the land in question which is comprised in the land identified on the said plan. In these circumstances Mr Rennie accepted that he could not dispute Mr & Mrs Smith's ownership of that part of the land claimed by them. As regards the remainder of the land in question Mr Rennie late in the day indicated that he might have a possessory title notwithstanding a letter dated 21 November 1977 addressed to the Commons Commissioners by Messrs Laces & Co to the effect that he no longer wished to put forward that claim. Mr Rennie did not have at the hearing evidence which satisfied me that he had a possessory title, but I told him that I would reopen the hearing, as to his claim only, if he could satisfy me that he had relevant evidence to support his claim to a possessory title.

It appeared that there was some difficulty in establishing the boundary of Mr & Mrs Smith's land on the ground, and if necessary this will have to be done by a surveyor by reference to the scale plan. If Mr Rennie does not pursue his claim to ownership he is entitled to enlist the assistance of one or more of the authorities charged with the protection of the land not claimed by Mr & Mrs Smith in order to ensure that they do not encroach or use the common land in a manner inconsistent with its status as common land.

On this evidence I am satisfied that Mr & Mrs Smith are the owners of that part of the land, which lies within the area identified on the plan annexed to this decision and I shall accordingly direct the Clwyd County Council, as registration authority, to register Mr & Mrs Smith as the owners of the said part of the land under section 8(2) of the Act of 1965. The remainder of the land will 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 this 23rd day of March 1978

G. A. Lettle

Commons Commissioner

