



COMMONS REGISTRATION ACT 1965

Reference No.52/U/82

In the Matter of Old Quarry adjoining
Ty-Chwarel and Rook View, Babell

DECISION

This reference relates to the question of the ownership of land known as Old Quarry adjoining Ty-Chwarel and Rook View, Babell, being the land comprised in the Land Section of Register Unit No.CL.119 in the Register of Common Land maintained by the 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 Flintshire County Council claimed to be 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 Mold on 12th December 1973.

Mr. Gibson appeared on behalf of the claimant, the Flintshire County Council. There was no other appearance. Mr. Gibson relied on and produced the Ysceifiog and Nannerch Inclosure Award 1805, from which it appeared that the land in question, under the reference "Allotment No.126. 1a. 10p.", was allotted for materials for (inter alia) the repair of highways within the Parishes of Ysceifiog and Nannerch. The Award, however, did not vest the land in the surveyor of highways for the Parishes, and accordingly it does not appear to me that the land has become vested in the present highway authority under the relevant highways legislation. It would appear that the land could be vested in the County Council by a scheme made by the Charity Commissioners.

For these reasons I am not satisfied that any person is the owner of the land 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 *30th* day of *January* 1974.

A. E. Francis

Commons Commissioner