



COMMONS REGISTRATION ACT 1965

Reference No. 272/U/330

In the Matter of the tract of land part of Rhos Figyn Banc Du and Ochr Lwyd situate in the Parish of Ysbyty Ystwyth

DECISION

This reference relates to the question of the ownership of part of Rhos Figyn Banc Du and Ochr Lwyd being^{the} land comprised in the Land Section of Register Unit No. CL.127 in the Register of Common Land maintained by Dyfed 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 Joseph Thomas Islwyn Lewis and his wife Mrs Jane Averina Lewis claimed to be the freehold owners of the land in question.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Aberystwyth on 16 June 1994.

At the hearing Mr Denys Evans, Solicitor, appeared for Mr and Mrs Lewis. He produced a conveyance dated 17 April 1984 whereby it was recited that Mr Lewis was then seised of the properties thereby conveyed for an estate in fee simple free from incumbrances and desired to convey the same into the joint names of himself and his wife. By the operative part of this deed Mr Lewis conveyed, firstly, a farm and lands known as Penygraig edged orange on the plan attached thereto. This land clearly included the unit land. Also produced were a conveyance dated 16 December 1929 and a deed of gift dated 6 April 1956 which show title to the land in Mr Lewis at the time of the 1984 conveyance.

Mr Lewis gave evidence during the course of which he said that his family's sheep have been on the land for over 60 years to the exclusion of other animals except that occasionally sheep belonging to Mr W D Owen have come over to find shelter.

The foregoing evidence was not contradicted or put in doubt by any other evidence. No one apart from Mr and Mrs Lewis claimed the land.

On this evidence I am satisfied that Joseph Thomas Islwyn Lewis and Jane Averina Lewis are the owners of the land, and I shall accordingly direct Dyfed County Council, as registration authority, to register them as the owners of the land under section 8(2) of the Act of 1965.

I shall make the following further consequential direction to the Council namely that the existing entries in the Charges Register be deleted.

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

14

day of

July

1994


Commons Commissioner