



In the Matter of Diphwys Mountain, Llanaber,
Meirionnydd D

DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. CL 98 in the Register of Common Land maintained by the former Merioneth (now Gwynedd) 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 Richard Jones claimed to be the freehold owner of the land in question ("the Unit land") 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 Unit land at Dolgellau on 30 April 1980.

At the hearing Mr G Evans, of the firm of J Charles Hughes and Co, Solicitors, appeared on behalf of Mr Jones. There were no other appearances.

By a Conveyance dated 29 August 1960 Between (1) Cuthbert H Dawnay (2) Richard Jones a farm called Garthgell together with land described by reference to a Conveyance dated 22 May 1946 was conveyed to Mr Jones. The parcels included the greater part of the Unit land, forming its southern and western section. As to the remaining part of the Unit land ("the eastern part") by a Conveyance dated 29 June 1963 Between (1) Margaret W Williams (2) Richard Jones and others (3) Richard Jones, there was conveyed to Richard Jones a farmhouse and buildings with the fields, closes, pieces or parcels of land, sheepwalk and other appurtenances belonging thereto known as Blaencunyrach. There was no plan on this Conveyance.

Evidence was given by Cerwyn Glyn Thomas, the grandson of Richard Jones: during the past twelve years he has taken sheep to graze on the Unit land to up to about the maximum number it can take and no rights over it have been exercised by others. In a Statutory Declaration dated 10 March 1981 Mr Richard Jones, who is aged 95, states that the parcels in the 1923 Conveyance include the eastern part and that since 1923 he is the only person who has grazed on it.

As originally registered the Unit land included a further section protruding on the eastern side and crossed by the Old Tramway. As I understand, this section was removed from the Register in 1973 and no claim is made to it by Mr Jones.

On the evidence I am satisfied that he is the owner of the Unit land (not including this section) and I shall accordingly direct the Gwynedd County Council, as registration authority, to register him as the owner under section 3(2) 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

6 April

1981

L. J. Evans
Commons Commissioner