



COMMONS REGISTRATION ACT 1965

Reference No. 274/D/106 & 107

In the Matter of The Saltings
Llangelynnin, Meirionnydd D

DECISION

These disputes relate to the registration at Entries No.1 in the Land Section and No.1 in the Rights Section of Register Unit No. CL 166 in the Register of Common Land maintained by the former Merioneth County Council and are occasioned by Objection Nos. 10 and 328 both made by the Crown Estate Commissioners and respectively noted in the Register on 18 August 1970 and 7 September 1971.

I held a hearing for the purpose of inquiring into the dispute at Dolgellau on 4 November 1975. The hearing was attended by Mr R. Oliver Jones, counsel instructed by Messrs Humphreys and Parsons appearing for the Crown Estate Commissioners and Mr D.O'Hara of Messrs Guthrie Jones & Jones appearing on behalf of Mr J.H. Evans the applicant for rights. Mr O'Hara felt unable to pursue Mr Evans' claim to rights over the Crown's foreshore.

For this reason I refuse to confirm the registrations.

Mr Oliver Jones made an application for costs to which I felt unable to accede and he indicated that it would be helpful if I gave my reasons.

Mr Oliver Jones accepted that the application for rights was made bona fide. In my view in the case of an objection to a bona fide application the applicant should not be penalised by an order for costs unless he is made aware of the basis of the Objector's case against him and that he will if he pursues his case thereafter be at risk as to costs. In the case of an applicant not represented by legal advisers he should also be advised to seek legal advice. In the instant case, Mr Evans who has grazed the foreshore could not be expected to appreciate that his grazing was by virtue of the tolerance of the Crown as distinct from as of right and Mr Oliver Jones accepted that such was the case.

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 5th day of December 1975

C. A. Little

Commons Commissioners