



In the Matter of Tywyn Aberffraw, Aberffraw

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DECISION

This dispute relates to the registration at Entry No. 48 in the Land Section of Register Unit No. CL 8 in the Register of Common Land maintained by the Gwynedd County Council and is occasioned by the Application No. 319 made by Mr David Milligan and noted in the Register on 12 November 1968.

I held a hearing for the purpose of inquiring into the dispute at Bangor on 7 February 1984. The hearing was attended by Dr W I Samuel, the General Secretary of the Welsh Association of Community and Town Councils, who appeared for the Aberffraw Community Council and Mr R A Jones of Messrs Carter Vincent and Trevor Jones, Solicitors of Bangor representing the Trustees of the Megrick Estate.

In proceedings in the Chancery Division of the High Court of Justice, the short title and reference to the record of which are Re Tywyn Aberffraw and Tywyn Llangadwaladr Anglesey, Gwynedd and Re Commons Registration Act 1965 Pile and ors v. Gwynedd County Council and ors 1981 P3209 the Hon. Mr Justice Dillon declared that the registration in the Land Section of the register of Common Land under Register Unit CL 8 remained a provisional registration only and ought to be referred to a Commons Commissioner pursuant to S.5(6) of the Act of 1965.

The effect of this decision was to treat Application No. A319 as an Objection to Application A8, both in the Land Section. The difference between the two applications was that No. A319 unlike A8 did not include certain narrow portions on the north western boundary along the bank of the Aberffraw to which I shall subsequently refer as 'the narrow portions'. The Community Council was anxious to include the narrow portions in the registration as an amenity for the local community.

After Dr Samuel had called evidence in support of his claim that the narrow parts were part of the common, it emerged that over 90% of the applicants in the Rights Section had expressly excluded the narrow parts in the description of the area over which they claimed to have rights of common. The remaining applications had either been withdrawn or had become void as a result of earlier decisions of a Commons Commissioner.

I then pointed out to Dr Samuel that in the circumstances his claim could only succeed if he could prove that the narrow parts were waste land of a manor not subject to rights of common. See S.22(a) and (b) of the Act of 1965 and Central Electricity Generating Board v. Clwyd County Council (1976) 1 W.L.R. 151.

I adjourned the hearing to enable Dr Samuel's clients to consider whether they wished to pursue their claim in this way and I have since been informed that they do not wish to make any further submissions.



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For these reasons I confirm the registration with the following modification that the narrow parts are excluded.

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 27<sup>th</sup> day of February 1984

*George Barker*

Commons Commissioner