



In the Matter of Tywyn Llangadwaladr Aberffraw
and Llangadwaladr

DECISION

This dispute relates to the registration at Entry No. A 7 in the Land section of Register Unit No. CL.7 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 on 23 August 1968 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 Councils of Aberffraw and Llangadwaladr respectively and Mr R A Jones of Messrs. Carter Vincent and Trevor Jones, Solicitors of Bangor representing the Trustees of the Meyrick 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 the parcels of land known as Tywyn Aberffraw and Tywyn Llangadwaladr, Anglesey Gwynedd and Re Commons Registration Act 1965. *File and ORS v. Gwynedd County Council and others 1981 P.3209* the Hon Mr Justice Dillon declared that the registration in the land section of the register of common land under Register Unit CL.7 remained a provisional registration only and ought to be referred to a Commons Commissioner pursuant to S.5 (4) of the Act of 1965.

The effect of this decision was to treat Application No. A319 as an objection to Application A 7, both in the Land Section. The difference between the two applications was that No. A319 (unlike No. A 7 did not include any land between the north-western boundary of the Register Unit and the bank of the River Ffraw. I shall refer to this land as 'the marginal strip'. The two Community Councils were anxious to include the marginal strip in the registration as an amenity for the local community.

After Dr Samuel had called evidence in support of his claim that the marginal strip was common land it emerged that over 90% of the applications in the Rights Section expressly excluded any claim to rights of common over the marginal strip and the remaining applications had either been withdrawn or had become void as a result of earlier decisions of a Commons Commissioner.

I pointed out to Dr Samuel that in the circumstances his claim could only succeed if he could show that the marginal strip was 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 WLR 151*.

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

For these reasons I confirm the registration with the following modification that the marginal strip is excluded.

I am required by regulation 30 (1) of the Commons Commissioners Regulations 1971 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

27th

day of

February

1984

Geoff Harker

Commons Commissioner