



In the Matter of Nant y Moch, Gwynfe
part of Black Mountain, Dinefwr

DECISION

This dispute relates to the registration at Entry No.1 in the Land section of Register Unit No. CL.18 in the Register of Common Land maintained by the Dyfed County Council and is occasioned by the conflicting registration at Entry No. 236 in the Rights section of the same Register Unit.

I held a hearing for the purpose of inquiring into the dispute at Llandeilo on 7 November 1995. The hearing was attended by Mr Graham Evans, by Mr Cawthorne for Powys County Council and by Mr W J Lewis for Dyfed County Council.

The registrations mentioned above conflict because an enclosure numbered 428 on the 1906 O S Map and measuring approximately 1.22 acres is registered both as part of the common and as part of the land (Nantmoch Farm in the Parish of Llangadog) to which rights of common are in the register expressed to be attached.

Mr Evans produced a written statement which he had prepared with the assistance of his Solicitor (T R Harris Arnold & Co of Swansea) and signed on the 18th October 1995. In that statement, which was read out at the hearing, Mr Evans said that he was the owner of Nantmoch Farm, comprising 53.63 acres and including enclosure 428, which he had acquired from N G Thomas (as trustee in bankruptcy of D G Garland) by Conveyance dated 1 October 1968. He said that for a period going back prior to 1962, and certainly throughout the period of his ownership, enclosure 428 has been physically surrounded by a stone wall with a fence on top of the wall and has so been physically detached from the common and that no-one has ever claimed that the enclosure was part of the common or attempted to graze stock within the enclosure.

Mr Evans' Solicitors produced certified copies of three Conveyances which prove Mr Evans' title to the land namely:

- (a) a conveyance dated 30 November 1951 Griffiths to Johnson
- (b) a conveyance dated 18 December 1958 Johnson to Garland and
- (c) a conveyance dated 1 October 1968 Thomas to Evans

No-one at the hearing disputed Mr Evans' evidence or title: and Mr Cawthorne said that it was conceded by Powys County Council, the owner of the common, that enclosure 428 does not form part of the common and should not be included in the register.

I shall therefore in due course direct that the Land setion of



the register shall be modified so as to exclude enclosure 428.

Shortly before the hearing the Commons Commissioners were notified by the registration authority (Dyfed County Council) of a claim by David Tom Williams and Brynmor Williams, the sons of Mr W Williams, that as owners of Cwrtbrynbeirdd they are entitled to graze over this common (CL.18) 740 ewes with their lambs and 17 ponies with their foals and that these rights should be added to the register. Messrs. Williams claim that their father duly applied for registration of these rights by application dated 10 February 1969 (No.938) and that this application should have been, but was not, implemented. I adjourned the hearing to a future date to be fixed after proper notices had been given of this claim.

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 13th day of December 1995


Commons Commissioner