



COMMONS REGISTRATION ACT 1965

Reference No. 272/D/1687-1688

In the matter of the pieces of land known as Talfynydd, Waun Isaf, Waun Lwnd, Waun Cleddau, Crug-Yr-Hwch (part) and the Eastern part of Crugiau Dwy, all in the Parish of Mynachlogddu

This dispute relates to the registration at Entry No. 2 in the Rights Section of Register Unit No. CL.43 in the Register of Common Land maintained by the Pembrokeshire County Council and is occasioned by the conflicting registration at Entry No. 35 in the Rights section of Register Unit No. CL.43 in the Register of Common Land maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Fishguard on 24 July 1996. The hearing was attended by Mr R. Acton, the new owner of the bulk of Cwmgarw, and Mr W. Lewis, Commons Registration Officer Pembrokeshire County Council. Mr D. Lloyd-Davies also attended and gave very helpful evidence. The dispute arises because Mr H T Miles, then of Cwmgarw, registered on 17 June 1968 a right of pasture for 100 sheep and other animals over part of CL.43, as appurtenant to Cwmgarw (Rights Entry No. 2); while on 16 December 1969 Mrs J H Miles (his estranged wife) registered a right of pasture for 400 sheep etc over the whole of CL.43, also as appurtenant to Cwmgarw (Rights Entry No.35). Mr Lloyd-Davies's evidence was that Mrs Miles had left Cwmgarw long before 1969 (and her address is given as a BFPO in Dusseldorf in her application) while Mr Miles remained at the farm: and also that the flock of sheep at Cwmgarw was never more than 120-130 in number. It would therefore appear that Mr Miles's registration was correct and Mrs Miles's registration exaggerated. Nevertheless, under section 10 of the Act, the latter has become conclusive evidence of the matters registered, and it would be wrong - especially as Mr Acton purchased in reliance on the registration - to expunge it at this stage. Mr Miles's registration can be considered as superfluous, since it is included in the greater number and area of the other registration. (I reject Mr Acton's suggestion that the two should be added together, though he may not have intended it seriously). Accordingly, I propose to direct the Pembrokeshire County Council, as registration authority, simply to delete entry No. 2 in the Rights Section of the Register of CL. 43 leaving Entry No. 35 to describe the rights appurtenant to Cwmgarw.

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

9th

Day of

September 1996

Chief Commons Commissioner