



In the Matter of Black Mountains (part of Fwddog Mountain)  
and the Gaer Common in Crucorney Fawr, Gwent

## SUPPLEMENTAL DECISION

This Decision is Supplemental to the Decision dated 22nd March 1988 of Mr Commissioner A A Baden Fuller (the Principal Decision) in respect of Register Unit CL.1 in the Register of Common Land maintained by Gwent County Council.

At Entry No.48 in the Rights Section of the Register Richard Moland Betham of 69 Stanmore Hill Stanmore Middlesex was provisionally registered with the right to graze 6 ponies or 8 cattle or 24 sheep over the part of the land in this register unit coloured green such right being attached to Sunnybank, Llanthony, near Abergavenny 9.358 acres there more fully described.

At page 41 of the Principal Decision Mr Baden Fuller refused to confirm Entry No. 48 but qualified the refusal with the words "it may be a mistake to which the liberty to apply specified in Part IV of the Fourth Schedule hereto may be applicable".

Part IV of the Fourth Schedule to the Principal Decision reads as follows:-

"As explained under the heading Final, some parts of this decision are subject to any application which may be made under any liberty in this decision contained to apply to a Commons Commissioner to correct or amend such parts. Any person wanting any such correction or amendment should apply for it within THREE MONTHS of this decision being sent out to those concerned with it and such application should otherwise fulfil the requirements specified under such heading".

R M Betham died in 1979. The records of the Commons Commissioners show that correspondence sent to him at 69 Stanmore Hill Stanmore prior to the hearing in 1987 were returned through the post, and when re-addressed to Sunnybank, Llanthony (the address to which the rights are attached) was returned as "Unoccupied". It therefore seems that between 1979 and 1987 there was a lack of communication from Mr R M Betham's successors. As a result Mr Baden Fuller's Decision was never sent out to them.

It appears that in correspondence between Gwent County Council and Mr Betham's son Adrian Betham shortly before the hearing in 1987 the registration authority told him that the Objections originally made to his registration by Sir Godfrey Llewellyn and the Black Mountain Graziers Association had been withdrawn. Had this information been before Mr Baden Fuller, it seems that he would not have refused to confirm the registration.

Mr Adrian Betham has now applied to the Commons Commissioners for Rights Entry 48 to be re-instated.

Mr Baden Fuller's appointment as a Commons Commissioner determined in 1989. Pursuant to Regulation 29 of the Commons Commissioners Regulations 1971 I, as Chief Commons Commissioner, have directed that the proceedings in this matter be continued by myself.



The Commons Commissioners have now received confirmation from Black Mountain Graziers Association that the Association has no objection to this Rights Entry being re-instated.

I am satisfied that Mr Adrian Betham's application fulfils the requirements specified by Mr Baden Fuller in the Principal Decision. I shall accordingly pursuant to the Liberty to Apply thereby conferred amend the Principal Decision as follows:

Rights Entry No. 48

I confirm this registration

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

15<sup>th</sup>

day of

December

1994

*M. R. K.*

Chief Commons Commissioner