



COMMONS REGISTRATION ACT 1965

Reference No. 273/U/39

In the matter of the Bloreng (part) Gwent

DECISION

This reference relates to the question of the ownership of those parts of the land comprised in the Land Section of Register Unit No. CL.18 in the Register of Common Land maintained by the Gwent County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Cwmbran on 9 November 1988 and 11 January 1989.

At the hearing Mr Vaughan, solicitor, of Gabb and Co of Abergavenny appeared for the Devonco Group Ltd and Mr and Mrs T E W Watson (claimants), Mr S Weisbard, solicitor appeared for British Coal Corporation (claimants), Miss I K Probert (claimant) appeared in person at the first hearing. Mr Walsh, solicitor of Robert Walsh and Co of Abergavenny represented her at the second hearing and also represented Mr Edward Lawrence (claimant) and Mrs Clark represented the Registration Authority.

The ownership of most of this large mountain common is already finally registered. There are however 13 areas of unclaimed and, mostly small, which are coloured in red on the plan sent by the Registration Authority with this reference. They are numbered and I shall refer to them by those numbers.

The claims of the Davenco Group and Mr and Mrs Watson

Mr Vaughan claimed ownership on behalf of the Davenco Group Limited of the western part of Area 3 and on behalf of Mr and Mrs Thomas Evans Williams Watson of the eastern part of that area. He produced -

(1) A conveyance on sale dated 2 March 1959 whereby Regina Maria Switowska and Jan Witowski conveyed to Kibby Enterprises Ltd the whole of the land shown on the plan attached to this decision and marked "A" of which the land cross-hatched lies within the unit land

(2) A certificate of incorporation on change of name dated 6 August 1971 certifying that Kibby Enterprises Limited was now incorporated under the name of Davenco Group Limited

(3) A conveyance on sale dated 30 September 1987 whereby Davenco Group Limited conveyed to Thomas Evans William Watson and Sian Cathrin Watson, his wife that part of the land cross-hatched on Plan "A" which lies to the east of the line AB.

On that evidence I am satisfied that the Davenco Group Limited are the owners of the cross-hatched land to the west of the line AB on Plan "A" and that Thomas Evans William Watson and Sian Cathrin Watson are the owners of the cross-hatched land which lies east of the line AB on that plan. I shall accordingly direct the Registration Authority to register them as owners of that land under section 8(2) of the 1965 Act.



Miss Probert's claim

Miss Probert claimed to be the owner of land known as Blaen Duar. Mr Walsh was unable to produce the deeds which were being withheld by her former solicitor. It was however clear from the fact that she stated that rates used to be paid for the property at Crickhowell which was in Breconshire (Powys) that it could not form part of CL.18 which lies wholly in Monmouthshire (Gwent). Furthermore it is clear from the description which she gave that this is in fact the abandoned farm marked on the map at 237 122 which I have seen and which does not form part of CL.18.

Mr Edward Lawrence's claim

Mr Walsh on behalf of Mr Edward Lawrence claimed ownership of Area No. 4. He produced -

- (1) A conveyance on sale ("the 1919 conveyance") dated 29 May 1919 whereby Nicholas Morgan conveyed to David Allcock a parcel of land which includes the whole of Area No. 4
- (2) A conveyance on sale dated 11 December 1928 whereby part of the land was conveyed by James John Williams to William Evans
- (3) A conveyance on sale dated 7 June 1968 whereby the land conveyed by the 1919 conveyance was conveyed by David John Henry Jones to Violet Iris June Judd
- (4) A marriage certificate dated 6 January 1989 recording the marriage on 12 September 1968 of Violet Iris June Judd to Arthur William Edward Lawrence
- (5) A deed of gift dated 18th November 1988 whereby Violet Iris June Lawrence conveyed the land conveyed by the 1919 conveyance to Edward Lawrence in fee simple.

Since the 1968 conveyance is a good root of title and the land conveyed includes the whole of Area No. 4 I am satisfied that Edward Lawrence is the owner of this land in fee simple.

I shall accordingly direct the Gwent County Council as Registration Authority to register Edward Lawrence as owner of Area No. 4 under section 8(2) of the 1965 Act.

The British Coal Corporation's claim

Mr Weisbard for British Coal claimed ownership of Areas Nos. 2, 7, 8, 9, 10 and 12.

Since, however, this claim, which is of considerable complexity, has not yet been resolved, I have decided not to delay this decision further but to issue a further decision relating to the claim of the British Coal Corporation later.



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 24th day of April 1989

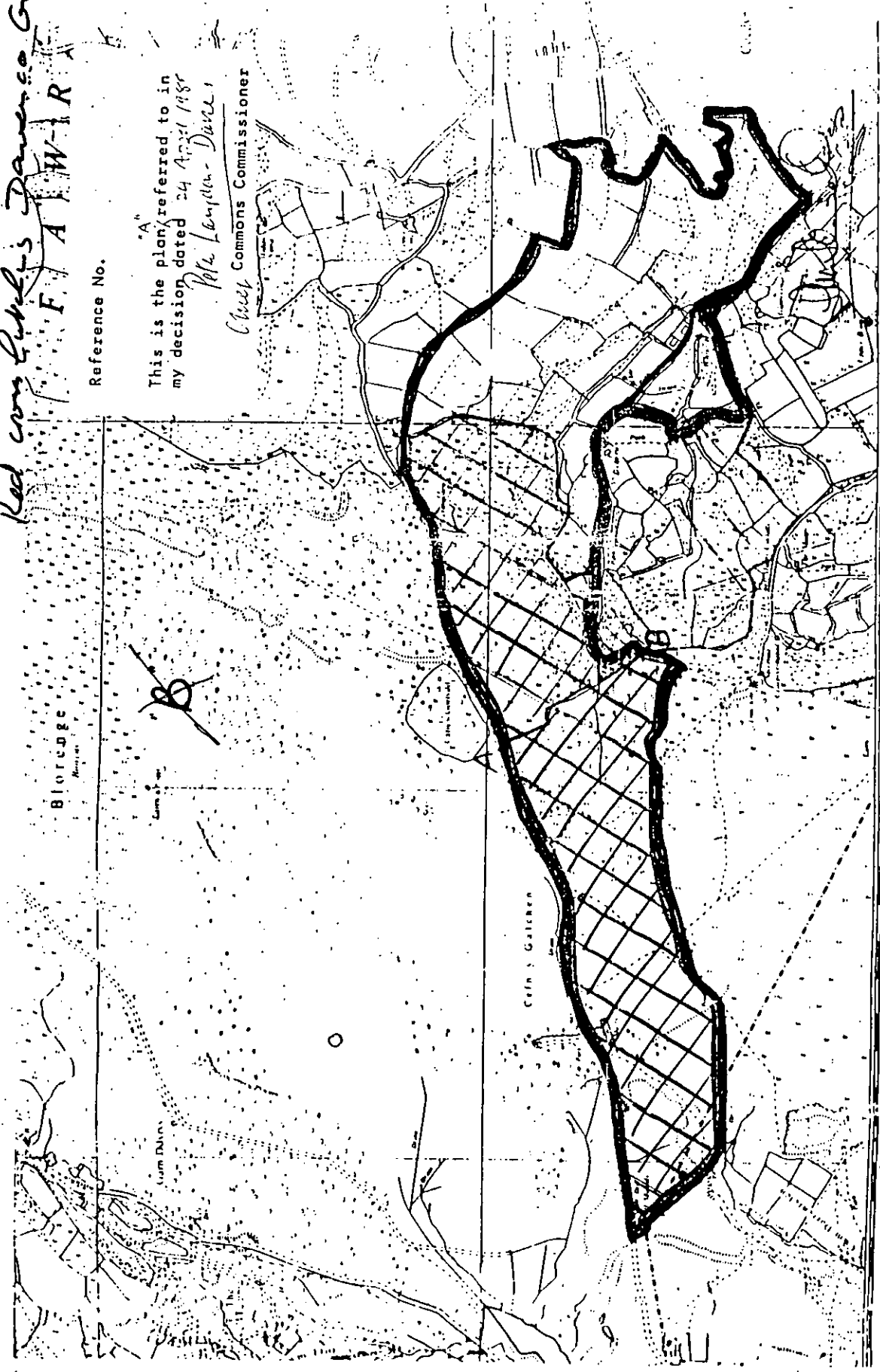
Peter Landon-Davis

Chief Commons Commissioner

Red cross hatched's Danvers Co Group Ltd
F A W - R

Reference No.

"A"
This is the plan referred to in
my decision dated 24 April 1988
Pete Langdon - Danvers
Chief Commons Commissioner



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THE NATIONAL GRID

INDIA 10
SURVEYING OFFICE

ORISSA DISTRICT