



COMMONS REGISTRATION ACT 1965

Reference No. 273/U/35

In the Matter of Twyn-yr-Allwys
Common, Llanfoist Fawr, Monmouth
District, Gwent

DECISION

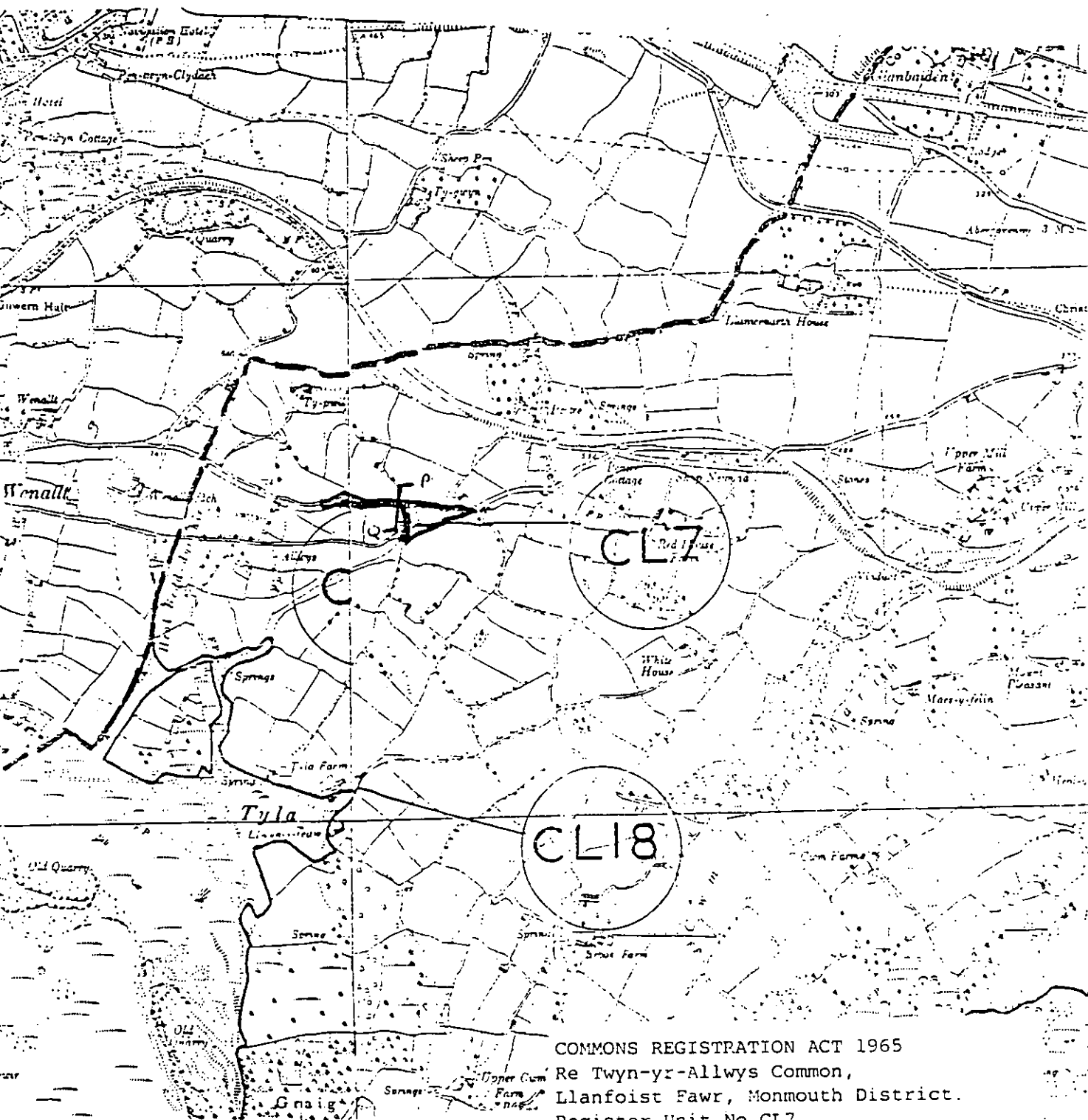
This reference relates to the question of the ownership of land known as Twyn-yr-Allwys Common, Llanfoist Fawr, Monmouth District being the land comprised in the Land Section of Register Unit No. CL7 in the Register of Common Land maintained by the Gwent (formerly Monmouthshire) County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference: (1) Mr J R Lewis in a letter dated 22-9-86 said (in effect):- His deceased brother W J Lewis purchased this common with about 12 acres from the NCB; he (the writer) in 1976 purchased it from his brother's administrators, and in 1980 sold the farm together with the Common to Major Gwyn; since then the Common has been sold on two occasions and is now owned by Mr Bleadon Penry; and (2) in a letter received on 25 November 1986 Mr W K B Pendry said he is the owner of the land. No other person claimed to be the freehold owner of the land in question or to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Abergavenny on 25 June 1987. At the hearing (1) Mr W K B Pendry of Twyn-yr-Allwys, Govilon, and (2) Mrs J C Jones of Shop Newydd, Govilon attended in person.

The land ("the Unit Land") in this Register Unit contains according to the Register about 2.10 acres. At page 2 of this decision is an uncoloured copy ("the Decision Plan") of the Register Map to which I have added the line marked "PQ"; the line on the original coloured green to show the boundary of the Unit Land appears on the Decision Plan as a black line; so on it the Unit Land appears in two parts, one (the greater) on the east and the other on the west of the line PQ. The east part (approximately triangular) is mostly grass, having sides on the north, south-east and west of about 150, 160 and 75 yards. The west part is a roadside strip about 165 yards long and joins the east part at its northwest corner. Within the Unit Land and near its north side runs the road (public fit for motor traffic) from Govilon on the east to Twyn Wenallt on the west. The east part also includes, not far from its southeast side, a path or track leading to (among other places) a dwellinghouse and enclosed land fronting on its west side.

The Land Section registration was made on 30 September 1967 by the registration authority without application. In the Rights Section there is one and only one registration made 9 April 1986 on the application of Mr William Zephaniah Parry of a right attached to the Firs, Allwys, Govilon to graze 1 cow and 5 breeding ewes. To both these registrations, an objection was made by Mr W J Lewis. After a hearing on 29 November 1979 before Mr C A Settle QC, Commons Commissioner, at which there was no attendance, by two decisions (reference 55/D/1-2) both dated 18 December 1979 the Chief Commons Commissioner on behalf of Mr C A Settle QC who was then deceased, confirmed both the registrations so they are now both final.



COMMONS REGISTRATION ACT 1965

Re Twyn-yr-Allwys Common,
Llanfoist Fawr, Monmouth District.

Register Unit No CL7.

Ref No:- 273/U/35

This is the Decision Plan referred
to in and being page 2 of the decision
dated 24 August 1987 and made by
the Commons Commissioner in this Matter.

A. A. Baden Fuller

COMMONS Commissioner



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At my June 1987 hearing Mr Pendry said (in effect):- He claimed to be the owner under deeds which were at his Bank in Abergavenny. I adjourned the hearing so he could get them.

About 1½ hours later, Mr Pendry not having returned, Mrs J C Jones said (in effect):- She did not claim to be the owner of the Unit Land. She was interested in the proceedings because she lived near to it. In about the years 1939-1944, there were chicken cots and pig cots on the Common (the Unit Land); the Parish Council made the people concerned take them off, and tidy the Common up; at that time Mr Davies owned the Firs now owned by Mr Parry (she has the grazing rights). If Mr Pendry's deeds show him to be the owner, she agreed to his registration as such.

Later, after I had done some other business, Mr Pendry returned and said that the Bank would not allow anyone other than a solicitor to take away his deeds because (so I understood from Mr Pendry) they held them as a security and an undertaking by a solicitor to return them was requisite. He had been unable to contact his solicitor to ask him to arrange for the deeds to be produced.

Mr Pendry in the course of his oral evidence given at the Abergavenny Branch of Barclays Bank produced the documents specified in the Schedule hereto being (among others) those by him deposited with the Bank. He identified the east part of the Unit Land with the whole or some part of OS 0448 containing 2.08 acres specified in the 1983 conveyance (WKBP/1) and delineated on the plan annexed to the 1965 conveyance (WKBP/6).

Under the deeds the documents specified in the Schedule hereto, the title to the east part of the Unit Land is regularly deduced. I have no reason for not giving full effect to the ownership of Mr Pendry shown by them. I am therefore satisfied that he is the owner of the east part of the Unit Land, and I shall accordingly pursuant to section 8(2) of the Act of 1965 direct Gwent County Council as registration authority to register Mr William Kenneth Bledon Pendry of Twyn-yr-Allwys, Govilon as the owner of the part of the land in this Register Unit to the east of the line PQ on the Decision Plan.

In the absence of any evidence I am not satisfied that any person is the owner of the land in this Register Unit to the west of the line PQ on the Decision Plan, and it will therefore remain subject to protection under section 9 of the Act of 1965.

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.

TUAN OVER



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SCHEDULE
(Documents produced)

WKBP/1	23 June 1983	<p>Conveyance by Lesley Margaret Pritchard to William Kenneth Bleadon Pendry of land described in schedule</p> <table border="0" style="margin-left: 40px;"> <tbody> <tr><td>7659</td><td>Permanent Pasture</td><td style="text-align: right;">3.45</td></tr> <tr><td>8355</td><td>Permanent Pasture</td><td style="text-align: right;">0.46</td></tr> <tr><td>5924</td><td>Common Land</td><td style="text-align: right;">1.78</td></tr> <tr><td>6833</td><td>Permanent Pasture</td><td style="text-align: right;">1.46</td></tr> <tr><td>7537</td><td>Permanent Pasture</td><td style="text-align: right;">1.98</td></tr> <tr><td>6740</td><td>Permanent Pasture</td><td style="text-align: right;">1.58</td></tr> <tr><td>7249</td><td>Permanent Pasture</td><td style="text-align: right;">1.92</td></tr> <tr><td>0448</td><td>Common Land</td><td style="text-align: right;">2.08</td></tr> <tr><td colspan="2"></td><td style="text-align: right;"><hr/></td></tr> <tr><td colspan="2"></td><td style="text-align: right;">14.71</td></tr> <tr><td colspan="2"></td><td style="text-align: right;"><hr/><hr/></td></tr> </tbody> </table>	7659	Permanent Pasture	3.45	8355	Permanent Pasture	0.46	5924	Common Land	1.78	6833	Permanent Pasture	1.46	7537	Permanent Pasture	1.98	6740	Permanent Pasture	1.58	7249	Permanent Pasture	1.92	0448	Common Land	2.08			<hr/>			14.71			<hr/> <hr/>
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WKBP/2	-	<p>Sale plan, apparently based on OS map:- Lot 1, Part one, Wenallt Fach Farm (edged green); Part two Castle Powell Lands (edged red). Lot 2: the Drain (edged blue).</p> <p>The land edged red comprises three pieces: one part of the Unit Land east of PQ and a comparatively narrow strip extending southwest from it for about 300 yards (together OS 0448 containing 2.08 acres as above); the other two being the 7 other OS numbers referred to in the 1983 schedule all to the west of OS 0448 and together containing 12.63 acres.</p>																																	
WKBP/4	1983	<p>Copy receipt by Barclays Bank Limited to Messrs Hugh James Jones & Jenkins of deeds and documents of title relating to land at Wenallt Fach, Gilwern including documents in this schedule specified.</p>																																	
WKBP/4	26 May 1982	<p>Epitome of title containing copies of 1982, 1980, 1978 and 1976 below specified documents.</p> <p>Conveyance by John Walter Gwyn to his wife Lesley Margaret Gwyn on their separation with plan and schedule as in WKBP/1.</p>																																	
	22 September 1980	<p>Conveyance by John Howe Roy Lewis to John Walter Gwyn with Schedule, 14.71 acres as in 1983 conveyance.</p>																																	
	5 April 1978	<p>Conveyance by Barclays Bank Trust Company Limited as personal representative of William John Lewis to John Howe Roy Lewis of land by reference to conveyance dated 19 March 1965 made by National Coal Board.</p>																																	



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-	11 August 1976	Grant to Barclays Bank Trust Company Limited as administrators to the Estate William Joseph Walter Lewis who died 11 March 1976.
WKBP/5	23 October 1982	Copy certificate of marriage on 23 October 1982 between Brian Kenneth Pritchard and Lesley Margaret Gwyn.
WKBP/6	19 March 1965	Original conveyance by National Coal Board to William Joseph Lewis of pieces of land at Govilon containing 18 acres more or less as delineated on plan annexed. Note: plan includes all Unit Land except part west of PQ on Decision Plan.
WKBP/7	5 April 1978	Original 1978 conveyance included in said epitome.
WKBP/8	1965	Abstract of title of National Coal Board.

Dated this 24th day of August — 1987

A. A. Baden Fuller

Commons Commissioner