



COMMONS REGISTRATION ACT 1965

Reference Nos 274/D/77-86 inclusive

In the Matter of Land to the North of  
Trawsfynydd known as Moel Uchaf Dolhaidd,  
Gallt y Daren, Trawsfynydd, Meirionnydd D

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DECISION

These disputes relate to the registration at Entry No 1 in the Land Section and Entry No 1 in the Rights Section of Register Unit No CL. 101 in the Register of Common Land maintained by the former Merioneth County Council and are occasioned by the nine Objections particulars of which are set out in the Schedule hereto.

I held a hearing for the purpose of inquiring into the dispute at Dolgellau on 20 April 1977.

Mr H L Davies of Messrs Edward Jones & Son appeared for the Objectors J Roberts, E & E Rowlands and D Tudor and Mr D Jones of Messrs Guthrie Jones & Jones appeared for the Objectors W I Williams and W A Jones.

Mr F Mallows appeared for the Forestry Commission. It was accepted by Mr Mallows that the five objectors between them own the whole of the Unit Land, and that the onus lay upon him to establish the grazing rights claimed by the Forestry Commission over the Unit Land.

Mr Mallows produced a conveyance dated 8 March 1963 made between the War Department and Farmers Marts (R G Jones) Ltd whereby the Unit Land was conveyed to Farmers Marts subject to the Reservation "in fee simple out of this conveyance for the benefit of so much of the adjoining land of the Vendor coloured green on the plan marked B annexed hereto and the estate owners and occupiers thereof the rights similar to those hitherto enjoyed by the tenants of such land to depasture sheep on the land hereby conveyed." The said land coloured green on the plan B is the Unit Land and this was conveyed by a conveyance dated 24 March 1964 by the War Department to the Minister of Agriculture, Fisheries and Food in the exercise of the powers of the Forestry Act 1945 together with the right reserved by the said conveyance dated 8 March 1963. The conveyances of five parts of the Unit Land to the five Objectors were all subject to the rights reserved by the conveyance of 8 March 1963.

In 1963 the adjoining land conveyed by the conveyance of 24 March 1964 was tenanted by Clara Matilda Rowlands and Bryn Davies and if Mr Mallows had been able to prove that they or either of them were grazing on the Unit Land as tenants of the War Department he would have established the Commission's rights similar to the use made by them of the Unit Land for grazing. Mr Mallows was however unable to call any evidence as to the grazing of the Unit Land by the said tenants or either of them. Mr Bryn Davies is still a tenant of the Forestry Commission and a letter from an employee of the Forestry Commission was produced from which it appeared that Mr Bryn Davies would if called as a witness have denied that he ever grazed on the Unit Land. Clara Matilda Rowlands surrendered her tenancy and a new tenancy of a smaller area was granted to the Objectors E & E Rowlands, and it is not surprising therefore that Mr Mallows could not obtain any assistance from this source.



Mr Mallows was therefore unable to prove that the reservation in the conveyance dated 8 March 1963 was effective for the purpose of creating any common rights and a fortiori he could not establish the quantification of any such rights as required by section 15 of the Act of 1965.

In these circumstances I have no alternative but to refuse to confirm the Entry in the Land Section and the Entry in the Rights Section.

The Schedule above referred to

Objection No 196	made by	John Roberts	entered in the Register on	16 December	1970
"	" 203	" " Emyr and Edward			
		Rowlands	" " "	" 17 December	1970
"	" 214	" " W I Williams	" " "	" 18 December	1970
"	" 215	" " W A Jones	" " "	" 18 December	1970
"	" 322	" " David Tudor	" " "	" 26 July	1971

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 22<sup>nd</sup> day of August 1977

*G. A. Little*

Commons Commissioner