



COMMONS REGISTRATION ACT 1965

Reference No. 274/U/83

In the Matter of Mynydd Guallt, Ffridd
Guallt and Y Darren, Tywyn

DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. CL 131 in the Register of Common Land maintained by the former Merioneth County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the notice of this reference Mr John Lewis claimed to be the freehold owner of the land in question ("the Unit land") and no other person claimed 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 Dolgellau on 1 May 1980.

At the hearing Mr A M Dancer of the firm of Griffith Adams and Williams, Solicitors, appeared on behalf of Mr Lewis.

The Unit land consists of two distinct areas, one comprising Mynydd and Ffridd and the other Y Darren. They lie to the south-east of and some distance from a farm comprising some 165 acres known as Nantymynach, the title deeds to which were produced. The farm was by a Conveyance dated 12 February 1920 conveyed to D P Roberts "together with such rights of pasturage over the sheepwalks belonging to the said hereditament...as now appertain to or are reputed to appertain to (the hereditaments) or have been or are now occupied or enjoyed therewith.....". Following the death of D P Roberts the farm and rights of pasturage were by a Vesting Assent dated 22 July 1954 vested in Margaret W Hughes who in 1964 sold the property to T. Lewis, G. Lewis, T.W. Lewis and John Lewis "together with the right of pasturage over the Sheepwalks belonging thereto as now enjoyed". By a Conveyance dated 2 August 1973 the farm and rights of pasturage over the Sheepwalks were conveyed to the Claimant, John Lewis.

Mr Dancer did not submit that the Unit land was included in the farm property but suggested that the Sheepwalks referred to in the Deeds were or included the Unit land. This may well be so, but what passed under the Deeds was rights of pasturage over the Sheepwalks, not the Sheepwalks themselves: and it is to be noted that in 1969 John Lewis applied to register a right of grazing over the Unit land such right being attached to the farm and lands known as Nantymynach. The basis of the claim to ownership was, as I understood it, the acquisition of a possessory title.

Mr Lewis gave evidence. The Unit land is mountain land suitable only for grazing sheep, shooting and tree planting: no one grazes it apart from himself. He shoots grouse, black game and vermin on the land and no one else has shot in



his time. He has farmed Nantymynach since 1964 and regarded the Unit land as part of the farm. There is a wall probably 100 years old round Ffridd, a fence round Mynydd which was there in 1964 but was added to on the west side about 8 years ago: and Darren is fenced all round except on its northern boundary. Access is through gates. The fences are repaired by adjoining owners including himself. There are surface drainage works on parts of each of the three parcels which were constructed before 1964, and which he scours out every year. He has not made any improvements though he has maintained the ditches and burned the heather over all three parcels.

The activities described by Mr Lewis are in my view for the most part referable to the exercise and maintenance of his grazing rights rather than to be considered as acts of possession adverse to the owner. This may not be so as regards the shorting but I do not think that this in itself amounted to adverse possession and even if it did, I cannot on the evidence identify the date from which the requisite period of adverse possession is to be taken as starting.

In the result I am not satisfied that Mr Lewis or any other person is the owner of the Unit land 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.

Dated

25 June

1980

L. J. Morris Smith

Commons Commissioner