



In the Matter of Cefn Hill, Craswell,
South Herefordshire District, Hereford
and Worcester

DECISION

This dispute relates to the registration at Entry No. 11 in the Rights Section of Registration Unit No. CL.133 in the Register of Common Land maintained by the Hereford and Worcester County Council and is occasioned by Objection No. 380 made by Cefn Hill Graziers Association and noted in the Register on 21 October 1971.

I held a hearing for the purpose of inquiring into the dispute at Hereford on 12 January 1979. At the hearing Cefn Hill Graziers Association were represented by Mr J M Maddy (the said Objection was signed by him as their chairman). Present also was their Secretary Miss H Price.

The registration in the Land Section and 13 of the 14 registrations in the Rights Section (all of rights to graze; Entry Nos 16 and 17 replaces Entry No. 9), and the registration in the Ownership Section (Mrs C M Hunter of all the land) being undisputed, have become final. Rights Section Entry No. 11 made on the application of Mr R H Bristow is of a right attached first to Craigiau Farm, Cusop and secondly to Ty Uchaf Farm, Old Walls and Gold Post, Michaelchurch Escley to graze (a) 695 sheep or (b) 116 cattle or (c) 116 ponies or any combination of such sheep pro rata (one sheep to include its young to weaning time), of estovers and to cut and carry bracken. The grounds of objection are: "Error of registration: Rights do not exist at all from Craigiau Farm, Cusop ... Therefore the right to graze 696 sheep or 116 cattle should read to graze 450 sheep plus their lambs or 75 cattle or 75 ponies. The rest of the registration is correct".

Mr Maddy in the course of his evidence said (in effect):- The Cefn Hill Graziers Association was set up in 1968 and he has been ever since and is now their chairman. Mr R H Bristow has died and Ty Uchaf Farm has been taken over by his widow; Craigiau Farm was sold by public auction (29 October 1975) and bought by Mr Frank Lloyd who lives at Maerdy Farm, Dorstone. He (the witness) spoke to Mr Lloyd yesterday (11 January 1979) and showed him a document (produced) signed by 10 members of the Association (including the witness himself as chairman and Miss Price as Secretary) and giving various reasons why they felt that there were no rights to turn stock from Craigiau Farm, and asked him if he was carrying on his claim; Mr Lloyd said he did not see any point because the rest of the graziers had raised an objection. He (the witness) had always understood that the rights on Cefn Hill go to the holdings adjoining the Hill in the Parishes of Michaelchurch Escley and Craswell. The Association have found out that Cefn Hill is (was) in the Manor of Ewyas-Lacy, and that Cusop is (was) in another Manor, and that in the auction sale particulars there was no mention of rights attached to Craigiau.

Notice of the hearing was given to Mr Lloyd (in a letter dated 12 March 1975 the County Council reported to the Commons Commissioners that he had an interest in Craigiau Farm). Having regard to this notice, the conversation with Mr Lloyd described by Mr Maddy and in the absence of any evidence in support of the registration so far as it relates to this farm, I consider I ought to give effect to the Objection. Accordingly I confirm the registration with the modification that in column 4 for the



words "graze (a) 695 sheep, or (b) 116 cattle, or (c) 116 ponies" there be substituted "graze (a) 450 sheep, or 75 cattle, or 75 ponies" and that in column 5 for the words "Properties known as follows: Firstly, Craigiau Farm, Cusop, Herefordshire as shown edged red on the supplemental map B and bearing the number of this registration, Secondly Ty Uchaf Farm ...", there be substituted "known as Ty Uchaf Farm".

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 *12th* day of *February* 1979

A. A. Baden Fuller

Commons Commissioner