



In the Matter of a Tract of land forming
part of the Black Mountains, Craswall and
Llanveynoe, Hereford

DECISION

This dispute relates to the registration at Entry No. 2 in the Land Section and at Entry Nos. 1, 4, 8, 10-16, 19-22, 25, 27-30, 35-47, 49-53, 55 and 58-64 in the Rights Section of Register Unit No. CL 44 in the Register of Common Land maintained by the Powys County Council and is occasioned by Objections No. 619, 620, 621, 622 and 623 and to the registration at Entry No. 2 in the Ownership Section of the same Register Unit occasioned by Objection No. 770.

I held a hearing for the purpose of inquiring into the dispute at Brecon on 19 October 1983. The hearing was attended by Mr H Cave, County Land Agent and Valuer for the Registration Authority, Mr G L Newson of Counsel instructed by Messrs R Trevor Griffiths, Solicitors of Hay-on-Wye for the Objectors other than Mr Phillips (Objection No. 770).

The Application at Entry No. 2 in the Land Section was withdrawn and thereupon all the Objections to Applications in the Rights Section were withdrawn. No one appeared to support Objection No. 770.

For these reasons I confirm the following registrations.

Entry No. 1 in the Land Section. Entry Nos. 1, 4, 8, 10-16, 19-22, 25, 27-30, 35-47, 49-53, 55 and 58-64 in the Rights Section and Entry No. 2 in the Ownership Section and I refuse to confirm the registration at Entry No. 2 in the Land Section.

Mr Newson applied for costs against the Registration Authority on the ground that its Officers had been aware since October 1980 that the application at Entry No. 2 in the Land Section was not to be supported by evidence, and his clients had never been so informed. Mr Cave admitted receipt of the information in 1980 but said that Mr Newson's instructing Solicitor had been given the information on 13 October. In my judgment the County Council was at fault and should pay the Objectors represented by Mr Newson their costs of preparing for the hearing between 1 November 1980 and 14 October 1983 on County Court Scale, 2.

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

26th

day of

October

1983

Leny Hesketh

Commons Commissioner