



In the Matter of a tract of land forming part of
the Black Mountains being East of Blackhill Farm and
West of Tir Frank, Llanveynoe

DECISION

This reference relates to the question of the ownership of the land above mentioned said to be part of the land comprised in the Land Section of Register Unit No. CL.44 in the Register of Common Land maintained by the Powys 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 no person claimed to be the freehold owner of the land in question and no one 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 Brecon on 27 November 1984.

Mrs E M Morgan appeared for the Registration Authority and drew my attention to the fact that the land with which I was concerned was included in Register Unit CL.182 in the County of Hereford and Worcester, and a Mrs C M Hunter is registered as the owner.

The whole of the land is within the former County of Hereford, but Entry No.1 in the Land Section of this Register Unit describes the land in these terms 'Tract of land forming part of the Black Mountains being O.S. 118 in the Parish of Creswall, Herefordshire, and O.S 766c, 766 and 934 a in the Parish of Llanveynoe Herefordshire being land covered by a Straddling Agreement dated 17th October 1966, between Breconshire County Council and Herefordshire County Council, as marked with a green verge line inside the boundary of Sheets Nos.- 23SE, 23NE, 23NW of the Register Map and distinguished by the number of this register unit.'

Section 2(1) of the Commons Registration Act, 1965 provides that the registration authority for the purposes of the Act should in relation to any land situated in a County, the Council of that County except where an agreement under the section otherwise provides. *in h be*

Section 2 (2) provides that where part of any land is in the area of one registration authority and part in that of another the authorities may by agreement provide for one of them to be the registration authority.

The first comment that springs to mind is that the two Councils had no power to make a straddling agreement in this situation because all the land was in the same County. I have seen a copy of the Straddling Agreement and the description of the constituent areas



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in that some are in Hereford some in Brecon and are partly in one and partly in the other. I am however informed by the Registration Authority that in fact all the areas are wholly within the former County of Hereford. I am further informed that the land with the ownership of which I am concerned is not included in the Land to which the Straddling Agreement purports to apply.

If I were satisfied that the land is included in the registration then I should have felt bound to find that Mrs Hunter was the owner.

It seems to me however that as a matter of construction of Entry No.1 in the Land Section and the Straddling Agreement the registration does not include the land referred to me, for the reason that this land does not form part of any of the O S Nos specified in the Straddling Agreement.

So far as the Register is concerned, the map can be corrected under paragraph 36 of the Commons Registration (General) Regulations 1966.

On this evidence I am not satisfied that the land forms part of the Register Unit and therefore I have no jurisdiction to make any finding as to ownership nor will the land remain subject to protection under Section 9 of the Act of 1965.

I am required by regulation 30 (1) of the Commons Commissioners Regulation 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

21st

day of

February

1985

Commons Commissioner