



COMMONS REGISTRATION ACT 1965

Reference No. 276/D/363-366

In the Matter of Allt Dolanog, Llanfihangel-
yng-Ngwynfa

DECISION

These disputes relate to (1) the registration at Entries Nos. 1 and 6 in the Rights Section of Register Unit No. CL 13 in the Register of Common Land maintained by the former Montgomeryshire County Council occasioned by Objection No. 97 made by D P and W H Jones, ^{and} Objection No. 98 made by D T Morris, both noted in the Register on 5 October 1970, (2) the registration at Entries No. 1 and 2 in the Ownership Section of the same Register Unit occasioned by Objection No. 95 made by D T Morris, ^{and} Objection No. 96 made by D P and W H Jones, both noted in the Register on 5 October 1970.

I held a hearing for the purpose of inquiring into the disputes at Welshpool on 3 June 1980. The hearing was attended by Mr G L Jackson, Chartered Surveyor, representing the successors to the applicant for registration of Entry No. 2 in the Ownership Section; Mr W D Cooke, Solicitor, appearing on behalf of the the applicants for registration of Entry No. 1 in the Rights Section and of Entry No. 1 in the Ownership Section; Mr J I Williams, ^{Solicitor} appearing on behalf of the Objections, and by Mr Ladkin, Solicitor, appearing on behalf of the Severn Water Authority.

The registration at Entry No. 1 in the Rights Section is of a right to graze 60 sheep and both Objections were to the effect that the number should be reduced to 30 sheep. The Objections were accepted and I confirm the registration modified by substituting '30 sheep' for '60 sheep'.

The registration at Entry No. 6 in the Rights Section was made on the application of Idris G Jones and is of a right to graze 60 ewes. Both objections are to the effect that the number should be reduced to 50 and a consent to this signed by the applicant and her successor was produced. Accordingly I confirm the registration modified by substituting '50 ewes' for '60 ewes'.

The two registrations in the Ownership Section relate to different parts of the land, and both Mr Jackson and Mr Cooke produced documentary evidence in support of the respective claims to ownership. Mr Williams informed me that the Objections were withdrawn, and accordingly I confirm the registrations without modification.

Mr Ladkin submitted a claim by the Severn Water Authority to ownership of a small area some 8 yards x 10 yards, which is the surface of an underground reservoir, from which water has for some years been supplied to the hamlet of Dolanog. From the evidence adduced by Mr Ladkin it appears that the reservoir was constructed about 1950 by the Llanfyllin Rural District Council, whose water undertaking was transferred in 1960 to the Montgomeryshire Water Board and in 1973 from that Board to the Severn Water Authority. The structures, which include two vents above



- 2 -

the surface and a manhole to the subterranean tank, are maintained by the Authority and this has been done without permission from or adverse claim by anyone. The area in question is within the part of the Unit Land registered in the ownership of Mr Jackson's clients, at the point marked W on the register map in the south western corner of their land. There was no opposition on their behalf to the claim by the Water Authority, which I am satisfied has been made out. There is however a difficulty in giving effect to it since the claim has not been referred to me for determination, nor could it have been, since no Objection was made by the Water Authority to the registration by Mr Jackson's clients of their ownership of the part which included the area now claimed by the Water Authority. I should mention that the question of ownership of the part of the Unit land of which there is no registered owner has been referred to and decided by me (Ref. 276/U/83), but the Water Authority's claim could not be dealt with under that reference since theirs is a claim to ownership of land of which there is a registered owner. In the circumstances I think I can do no more than record that I am satisfied that the Water Authority is the owner of the area which it claims, but I am not able to give a direction for the registration of the Authority as such owner.

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

29 July

1980

L. J. Morris Smith

Commons Commissioner