



COMMONS REGISTRATION ACT 1965

Reference Nos 276/D/124-<sup>127</sup>~~217~~

In the Matter of Brynrrhydd Common,  
Llowes, Radnor D

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DECISION

These disputes relate to the registrations at Entry Nos 1, 4, 5 and 7 in the Rights Section of Register Unit No CL. 33 in the Register of Common Land maintained by the former Radnorshire County Council and are occasioned by Objection No 648 made by Major G W F De Winton and noted in the Register on 28 July 1970 and Objection No 100B made by G Hughes and noted in the Register on 27 July 1972 and the conflicting registrations at Entry Nos 1 and 5 in the said Rights Section.

I held a hearing for the purpose of inquiring into the dispute at Llandrindod Wells on 7 June 1978. The hearing was attended by Mr W G Morris of Messrs Dilwyn Jones & Sons on behalf of Major De Winton and Mr D Jones of Messrs H V Vaughan & Co on behalf of Mr G Hughes. As regards the conflicting Entry Nos 1 and 5 it was accepted by those attending the hearing that I should refuse to confirm Entry No 1 and that I should confirm Entry No 5.

As regards Entry No 4 Major De Winton's Objection was based on his view that the land to which the right is claimed is not in the parish. However the qualification for a right is residence in the parish and the applicant being a resident in the parish Major De Winton accepted that I must confirm Entry No 4 and I do so accordingly.

Entry No 7 is a claim for rights by Major De Winton appurtenant to a farm in his ownership. My understanding of the law, which is consistent with the decision in the case of Musgrave v The Inclosure Commissioners for England & Wales LR 9 QB 162 is that a landowner cannot have a right of common over his own land, but that he is entitled to graze on his own land, as owner, provided that he does not thereby prejudice the rights of the commoners. This right of an owner to graze on his own land has been described as a quasi right of common, and it was decided in Arundell v Lord Falmoth, 2 M&S and Lloyd v The Earl of Powis 24 LJQB 145 that a landowner is entitled to compensation for being deprived of this quasi right. The view which I take is that the Act of 1965 does not enable me to confirm a quasi right as a right of common and for this reason I refuse to confirm Entry No 7.

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 14<sup>th</sup> day of July

1978

G A Little

Commons Commissioner