



COMMONS REGISTRATION ACT 1965

Reference No. 276/D/48-50

In the Matter of Cwmgwyn and  
Medwalleth Common, Beguildy

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DECISION

This dispute relates to the registration at Entry No. 17 in the Rights Section of Register Unit No. CL. 20 in the Register of Common Land maintained by the Powys County Council and is occasioned by Objection Nos. 7 and 620 made by John Lewis Mills and noted in the Register on 20 May 1969 and 29 September 1970 and Objection No. 585 made by E R B Gethin and noted in the Register on 29 September 1970.

I held a hearing for the purpose of inquiring into the dispute at Llandrindod Wells on 7 January 1976.

The hearing was attended by (1) Mr Ian Bainbridge, Solicitor, of the firm of Milwyn Jenkins and Jenkins, for the Applicant, Mr Fred Davies; (2) Mr Hywel Moseley of Counsel for the Crown Estate Commissioners, who objected only to the application to register a right of fishing; (3) Mr Gareth Morris, Solicitor, of the firm of Dilwyn Jones & Co, for the Objector Mr J L Mills; and (4) Mr E R B Gethin (a commoner) in person.

Mr Bainbridge abandoned the claim to a right of fishing.

The Applicant testified that his maternal grandfather had farmed Iyarchan (the dominant holding, which is some 46 acres in extent) throughout the witness's life prior to 1946, and had been accustomed to turn out some 100 sheep on the Common. In 1946 the Applicant became tenant of the farm, and in 1951 he bought it. He produced the conveyance to him, which conveyed the farm to him "together with the benefit of rights of sheepwalk and pasturage described in a conveyance dated 21 November 1918". The conveyance of 1918 (also produced) conveyed the farm "together with a right of sheepwalk or pasturage for 30 sheep in the Radnorshire Hill". The Applicant told me that in 1946 he kept 200 sheep, together with 4 or 5 ponies, but that he now carries, and had carried for some 20 years, as many as 600 sheep on Iyarchan. It appears, however, that until 3 years ago he farmed another farm of some 80 acres at Dolfar. He said that he turned out all his sheep on the Common in batches, the maximum number at any one time being 200 to 300 including lambs. He also used to turn ponies on the Common, as many as 15 at times. But he had not had any ponies for 8 years. He made no reference to cattle. In cross-examination he admitted that his registration of 621 sheep might be excessive.

The ground of both objections was that the number of sheep sought to be registered was excessive. Mr Mills gave evidence. He denied that Mr Edward Williams had turned out as many as 100 sheep on the Common. He testified also that the Applicant's vendor (Mr H E Turner) farmed Iyarchan during the years 1948-51, and that he used to dip about 70 sheep and lambs from Iyarchan. The witness said he would agree to a registration for 70 sheep.



In their final submissions, Mr Gareth Morris submitted that the number of sheep registered for grazing should be 100. Mr Bainbridge submitted that it should be 200.

I have no doubt that the figure of 621 sheep sought to be registered by the Applicant is grossly excessive. On the other hand, I am satisfied that the Applicant and his predecessors at Iyarchan have for upwards of 30 years regularly turned out on the Common year by year far more than the 30 sheep referred to in the Applicant's documents of title.

I consider that the registration should be limited to 150 sheep units (where "sheep" equals 1 ewe and lamb to weaning) and 5 ponies.

For these reasons I confirm the registration with the following modifications:- in column 4 of the Register delete the reference to fish, and substitute "150 sheep units (sheep = 1 ewe and lamb to weaning) and 5 ponies" for "621 sheep, 30 cows and 12 horses".

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 20<sup>th</sup> day of

May

1976

A. E. Francis

Commons Commissioner