



COMMONS REGISTRATION ACT 1965

Reference Nos 276/D/91-105

In the Matter of Ffynydd Gynydd,  
Glasbury, Radnor D

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DECISION

This dispute relates to the registration at Entry Nos 1, 4, 5, 6, 7, 8, 10, 12, 15, 17, 18, and 19 in the Rights Section of Register Unit No CL. 28 in the Register of Common Land maintained by the former Radnorshire County Council and is occasioned by the Objections set out in the Schedule to this decision.

I held a hearing for the purpose of inquiring into the dispute at Llandrindod Wells on 10 November 1977.

Mr Williams of Messrs J C Williams & Co appeared for Mr W G Lloyd and Mr Gareth Morris of Messrs Dilwyn Jones & Son appeared for the other Commoners.

Mr Lloyd's Objection to Entry Nos 1, 4, 5, 6, 7, 8, 10, 12, 15, 17 and 19 in the Rights Section are on the ground that they are not entitled to the rights claimed.

Mr Lloyd produced a map of the Honourable Sir Edward Williams Bart of the Lordship of Glasebury in the County of Radnor commonly called Mynydd Bach, ffunon Gynydd, Grove Gwyn Keel Twrch, and Coed Bolin containing 199 statute acres or 290 customary. On this map there were identified the holdings of eight named tenants of the Common. Mr Lloyd's present holding comprises Nos 1 and 2 identified on the said map.

Mr Williams stated that Sir Edward Williams died in 1804 and invited me to infer that the map was made prior to that date and he said that it might refer to another Sir Edward Williams who died in 1721.

If I correctly understood the argument put forward on behalf of Mr Lloyd it was to the effect that only the eight parcels of land identified on the map were entitled to common rights. In my view the map does not justify that conclusion, it proves no more than that at some date eight individuals were tenants of the parcels of land identified on the map. If they were tenants of Sir Edward Williams they could have no common rights and if they grazed the Common, they did so not as of right but by permission of their landlord unless they had customary rights as copyhold tenants of which there is no evidence.

The minutes of two meetings of commoners were produced, the first held on 7 June 1941 and the second held on 8 March. The first meeting was held consequent on 52 acres of the common being requisitioned by the Radnorshire WEAC and the second meeting was held to consider the position when the land was derequisitioned. Mrs Lloyd of Mandach was sent the notice convening the first meeting and Mr W G Lloyd as the owner of Mandach was present at the second meeting.



The minutes of the second meeting are inter alia in the following terms:-

"A Final and complete schedule of holdings entitled to commonable rights on the Ffynnon Gynydd Common was drawn up and agreed by the meeting."

The final and complete list referred to above was produced at the hearing. The holding Mardach is included in this list and it was as the owner of Mardach that Mr W G Lloyd attended the 1948 meeting as a commoner, but Mr W G Lloyd today contends that Mardach, Entry No 12 has no rights. Mr W G Lloyd could offer no explanation as to these two quite inconsistent contentions. Mr W G Lloyd gave evidence which was directed to the quantum of the rights to which he objected. No question as to quantum was raised by any of Mr W G Lloyd's objections, there is in existence and as appears from the minutes of the 1948 meeting there has been since 1948, a Commoners Committee. Since Mr Lloyd's objections did not raise any objections on the ground of excess quantification and since the other commoners, the Commoners Committee and Major De Winton the owner of the common and the Lord of the Manor raise no objections to the Registrations as they now stand after amendment in some cases, I reject Mr W G Lloyd's objections.

It was agreed that I should confirm Entry No 7 modified so as to exclude the right to graze 3 sheep.

I confirm Entry Nos 1, 4, 5, 6, 7, 8, 10, 12, 15 and 17. Major De Winton and the Commoners Committee object to Mr W G Lloyd's Entry No 18 insofar as it claims rights to graze horses, beasts, swine, fowls and geese and a right of pannage.

Mr W G Lloyd said in his evidence that Mrs Haines exercised rights to graze cows and a pony; she had a pony and 2 cows in 1936 and that he had built a piggery and on the 14 acres which were part of his holding.

Major De Winton gave evidence that he had always understood that it was the custom of the Manor that nothing but sheep were allowed on this common and that ponies, pigs and cows were not allowed. He had seen nothing but sheep and he remembered an occasion when he was aged 10 and with his father when they saw a cart horse and his father said I will have it off.

Mr Griffith a forester and grandson in law of John Jones a former bailiff said the common was only for sheep. He lived next door to Marach. Mr Lloyd turned out practically everything, two pigs, a few cows and an odd horse and an objection was made to the Council.

I accept the evidence of Major De Winton and Mr Griffith that the grazing on the common is limited by custom to sheep and this is borne out by the circumstance that no commoner other than Mr Lloyd has claimed to graze any animals other than sheep.

Finally I must mention that many commoners gave evidence in support of their claim to rights and the applicants under Entry Nos 1 - 4, 6 and 12 proved paper titles to their rights. Since Mr W G Lloyd's objections were clearly misconceived no useful purpose will be served by dealing with that evidence in detail.



The Schedule above referred to

- Objection Nos 143 to 153 inclusive made by W G Lloyd all entered on the Register  
on 24 September 1970
- Objection No 19 made by W G Lloyd entered on the Register on 20 July 1972
- Objection No 935 made by Major G W F De Winton entered on the Register on  
13 December 1971
- Objection No 298 made by Ffynydd Commoners entered on the Register on 22 September 1970
- Objection No 296 made by Major G W F De Winton entered on the Register on 22 September  
1970

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 25<sup>th</sup> day of November 1977

*G. A. Little*

Commons Commissioner