



COMMONS REGISTRATION ACT 1965

Reference No. 276/D/352-4

In the Matter of Florest Fach Cray
Brecknock D

DECISION

This dispute relates to the registration at Entry No 1 in the Land Section and all the Entries in the Rights Section of Register Unit No. CL.139 in the Register of Common Land maintained by the former Breconshire County Council and is occasioned by Objections Nos 605 and 607 both made by D R Davies and both noted in the Register on 10 March 1972.

I held a hearing for the purpose of inquiring into the dispute at Brecon on 13 July 1979. The hearing was attended by Mr E Harris of Messrs. Edward Harris and Son on behalf of the objector representing the owners of the land the trustees of the late D T Price.

Mr Gossage of Messrs. Cooke and Arkwright on behalf of The Church in Wales and Mr R J Lewis, Mr D T M Lloyd and Mr J T Jones appeared in person.

Mr Gossage produced no documentary or oral evidence to support the Church's Claim for rights under Entry No. 11 and I refuse to confirm that Entry and also Entry No. 16. Mr Lloyd in support of his claim for rights produced a conveyance made in 1794 whereby his holding was conveyed together with "rights of common in or over the Little Forest of Brecon" and the sale particulars which disclosed that some of the lands being offered for sale including Mr Lloyd's had rights of common in the Little Forest of Brecon and that some lots were subject to a chief rent of 6/- which was apportioned among these lots.

Mr Harris' contention was that rent was and always had been paid for grazing and that for this reason the land was not grazed in the exercise of common rights. The rents paid were purely nominal and for this reason were only collected at intervals of about four years. Mr Harris agreed with me that Mr Lloyd's documents did not disclose any nexus between the chief rent and the common rights and that prima facie the annual payment was in respect of chief rents. Further in my view since the conveyance granted a 'Right' even if it was subject to an annual payment it was nevertheless a right of common.

Mr Lloyd having proved his right of common, Mr Harris agreed that I should confirm all the Entries in the Rights Section other than Entries 11 and 16 modified as hereinafter set out.

At the hearing I enquired if the quantification of the rights previously registered provided for viable rate of stocking on the common and indicated that if all the commoners wished to consider the question of quantification and could agree modifications to the provisional Entries, I would in my decision give effect to such an agreement.



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I have since the hearing received from Mr Roderick the Secretary to the Forest Fach Graziers Association a copy of the minutes of a meeting of the Association held on 18 June 1979 and a list of stock numbers signed by each commoner agreeing the modification to be made to his Entry.

In accordance with the said agreement I confirm the Entries set out below modified so as to confer (1) the right to graze the number of sheep or their equivalent of 1 cow or 1 pony for 10 sheep plus young until weaning set opposite such Entries and (2) The right to cut and take bracken and no other rights.

<u>Entry No.</u>	<u>No of Sheep</u>
1	468
2	339
3	249
4	141
5	123
6	186
7	348
8	84
9	285
10	240
12	162
13	111
14	306
15	567
17	159
19	330

For the assistance of the Registration Authority I will attach a copy of the list mentioned in my direction.

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 6th day of November 1979

E. A. Little

Commons Commissioner