



COMMONS REGISTRATION ACT 1965

Reference No. 276/U/113

In the Matter of Fownog, Llanfair,
Caereinion, Montgomery D

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL 71 in the Register of Common Land maintained by the Powys County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference Mr Job M Davies claimed to be the freehold owner of the land in question ("the Unit land") and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Welshpool on 8 February 1983.

At the hearing Mr W D Cooke, Solicitor, appeared on behalf of Mr Davies.

The Unit land is some 3.3 acres in area and lies on the south side of a roadway, on the other side of which is a farm property known as Wern-y-Wig. No title deeds to the Unit land were produced by Mr Davies, but in a Statutory Declaration made by him on 4 December 1972 he deposed to the facts that Wern-y-Wig (not including the Unit land) was conveyed to his grandmother, Margaret Davies, by a Conveyance dated 29 September 1911, that under her will he became entitled to Wern-y-Wig and that it was vested in him by her Executors by an Assent dated 2 May 1929. He further stated that his grandmother was in possession of the fields which the Unit land comprises, from 1911 until her death, since when he had enjoyed undisturbed possession of the fields without making any payment or acknowledging any other person's title. Mr Davies, who is some 80 years of age, gave evidence at the hearing: he confirmed the statements in his Statutory Declaration, and said that there has been no change as regards the Unit land since his Statutory Declaration, and that he grazed his animals on and took hay from the Unit land.

There are no grazing or other rights registered, and on the evidence I am satisfied that Mr J M Davies is the owner of the Unit land, and I shall accordingly direct the Powys County Council, as registration authority, to register him as the owner under section 8(2) of the Act of 1965.

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

3 March

1983

H. J. Morris Smith

Commons Commissioner