



In the Matter of Hergest Ridge and Hauter Hill, Kington, Knighton, Gladestry, Old Radnor and Burling Jobb

DECISION

This dispute relates to the registration at Entry No. 20 in the Rights Section of Register Unit No. CL 1 in the Register of Common Land maintained by the Powys County Council and is occasioned by Objection No. 805 made by R A Banks and noted in the Register on 24 September 1970.

A hearing for the purpose of inquiring into the dispute had been held at Llandrindod Wells on 10 November 1977. That hearing was attended by Mr Banks the Objector but Mr and Mrs T Davies the applicants were not present. The right claimed was to graze over the whole of the land 278 sheep or equivalent number of other animals, also right to take bracken for litter. In his objection Mr Banks accepted the validity of the right to graze 278 but challenged the claim that it extended to other animals. Owing to an oversight the Commons Commissioner treated the objection as challenging the existence of any right to graze and in the absence of the applicants refused to confirm the registration.

In August 1970, Mr and Mrs Davies had conveyed to Mr and Mrs Layton, 7 acres of the land in respect of which the application had been made together with the right to graze 25 sheep or other animals and to take bracken for litter. Mr and Mrs Layton were not given notice of the hearing on 10 November 1977.

In the result it was decided that the hearing should be re-opened and I held a hearing for this purpose at Brecon on 14 March 1983. The hearing was attended by Mrs E A Davies for Mr and Mrs Layton. Mr Banks and the personal representative of Mrs Davies the survivors of the applicants appeared in person.

It was agreed that the registration should be confirmed with the omission of the words 'or equivalent number of other animals'.

I was informed that there had been other sales by Mr and Mrs Davies of the land to which the application related. When notice of my decision is received by the registration authority the amendments required to record the sale to the Laytons and other persons can be made.

For these reasons I confirm the registration with the following modification that the words 'or equivalent number of other animals' in column 4 be deleted.

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

24th 1983

day of

March

1983

George Herbert

Commons Commissioner