



COMMONS REGISTRATION ACT 1965

Reference No. 276/U/87

In the Matter of Land in the Parish of Trefeglwys
 comprising (A) Bryn-yr-Oerfa, Cors-yr-Hesg and
 Brynmawr (B) Gors-Goch (C) Land north of Brynchrugog

DECISION

This reference relates to the question of the ownership of the land described above being the land comprised in the Land Section of Register Unit No. CL 121 in the Register of Common Land maintained by the former Montgomery County Council and now by 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 claims were made to different parts of the land in question ("the Unit land") by (i) Mrs A M Porter, (ii) Mr T F Thomas, (iii) A Wigley and D T Wigley ("Wigley Brothers") and (iv) Mr M Bennett.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Welshpool on 9 December 1980.

At the hearing Mr Bowen of the firm of Morgan Bruce and Nicholas, Solicitors, appeared on behalf of Mrs Porter: Mr T F Thomas appeared in person: and Mr J Hollis, of the firm of Milwyn Jenkins and Jenkins appeared on behalf of Wigley Brothers and Mr M Bennett.

The Unit land comprises three distinct sections (A) Bryn-yr-Oerfa, Cors-yr-Hesg and Brynmawr ("Section A"), (B) Gors-Goch ("Section B") and (C) a strip of land north of Brynchrugog ("Section C").

Section A:- The land in this Section other than a rectangular area on its north-east edge was included in property conveyed to Mrs Porter by the April 1965 Conveyance. (In the Schedule below are more particular details of this and other deeds to which I refer). The rectangular area was conveyed to T F Thomas by the November 1965 Conveyance and then in 1968 by him to Mrs Porter by the 1968 Deed of Exchange: this Deed conveyed to T F Thomas by way of exchange an area of some 15 acres ("the 15 acre area") comprised in the April 1965 Conveyance and adjoining the North-west boundary of the rectangular area.

A strip on the south-eastern boundary of Section A and comprised in the April 1965 Conveyance (the S.E. strip") was conveyed by Mrs Porter to Wigley Brothers by a Deed of Exchange dated 10 September 1970.

As to Section A I am satisfied that Wigley Brothers own the SE strip, that T F Thomas owns the 15 acre area and that Mrs Porter owns the remainder of Section A.



SCHEDULE

- The April 1965 Conveyance - Conveyance dated 23 April 1965
 (1) Evan Edward Brunt
 (2) Mrs A M Porter
- The November 1965 Conveyance - Conveyance dated 19 November 1965
 (1) C E V Owen
 (2) T F Thomas
- The 1968 Deed of Exchange - Deed dated 11 April 1968
 (1) Mrs A M Porter
 (2) T F Thomas

Section B:- The north-eastern part ("the NE part") of this Section was included in property conveyed to T G Bennett by a Conveyance dated 10 February 1966. By a Deed of Exchange dated 19 September 1967 between (1) Mrs A M Porter, (2) T G Bennett, the NE part was conveyed to Mrs Porter.

The remaining part of Section B was included in property purchased by Mr M Bennett in 1956 and conveyed to him by a Conveyance by the Vendor Alfred Meddins dated 2 August 1956. By a Deed of Exchange dated 21 October 1968 made between Mrs Porter and Mr M Bennett, an area ("the central area") included in this part, immediately adjoining the NE part, was conveyed to Mrs Porter.

As to Section B I am satisfied that Mrs Porter owns the NE part and the central area and that Mr M Bennett owns the remainder.

Section C:- This strip was part of land farmed with and forming part of Cefnbarrach which was purchased by and conveyed to D J Lloyd in 1956. By a Deed of Exchange dated 26 October 1967 between (1) Mrs Porter, (2) D J Lloyd and (3) Midland Bank Limited, this land including the strip was conveyed to Mrs Porter and I am satisfied that she is the owner.

In the result I shall direct Powys County Council, as registration authority to register under Section 8(2) of the Act of 1965, (1) as regards Section A (i) T F Thomas as owner of the 15 acre area (ii) Wigley Brothers as owners of the SE strip (iii) Mrs A M Porter as owner of the remainder, (2) as regards Section B (i) Mrs A M Porter as owner of the NE section and the central area (ii) Mr M Bennett as owner of the remainder, (3) Mrs A M Porter as owner of the land comprised in Section C.

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 30 March 1980

L. J. Morris Smith

Commons Commissioner