



COMMONS REGISTRATION ACT 1965

Reference No 276/U/36

In the Matter of Land known as Brynmawr,
Llangynog, Montgomery D

DECISION

This reference relates to the question of the ownership of land known as Brynmawr, Llangynog, Montgomery D being the land comprised in the Land Section of Register Unit No CL. 15(M) in the Register of Common Land maintained by the former Montgomeryshire 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 I S and W H Williams and S C and R J Davies claimed to be the freehold owners of parts of the land in question 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 and 9 December 1976.

Mr Edwards of Messrs Longueville & Co appeared for I S and W H Williams and Mr Peate of Messrs Minshall Pugh & Co appeared for S C and R H Davies. The land in question is an area of 145 acres.

Mr I S Williams gave evidence that he was aged 62 and that he had resided at Yr Eithin since he was 14. Yr Eithin was owned by his father prior to 1951 and since then he and his brother had farmed there. He said that the land in question had only been grazed by S C and R H Davies and by himself and his brother and he had ploughed about 12 to 14 acres. The land in question had been fenced on the east, south and west for many years but it had only been fenced on the north since 1971. Messrs Williams and Davies have rights of grazing on the land in question which are fine and save as regards the relatively trivial area as ploughed their activities on the land have been consistent with the exercise of their grazing rights and have not been such as to establish adverse possession against a true owner. In view of this circumstance and the fact that the land was unenclosed on its north boundary until 1971 I have come to the conclusion that neither Messrs Williams nor Messrs Davies have established possessory titles.

On this evidence I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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 this 30th day of December

1976

C A. Le H

Commons Commissioner