



COMMONS REGISTRATION ACT 1965

Reference No. 276/U/115

In the Matter of parts of Mynydd Du, Banc-y-Groes  
and Wenallt, Llanidloes Without, Montgomery D

---

DECISION

This reference relates to the question of the ownership of land described above being the part of the land comprised in the Land Section of Register Unit No. CL 84 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 claims to ownership of different areas of the land in question were made by (1) Nant-y-Gwrdu Ltd ("the Company") (2) the Executors of R Lewis Lewis (3) Mr T B L Jerman.

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

At the hearing the Company was represented by its Secretary, Mr Parlane: and Mr J Hollis, Solicitor, appeared on behalf of the Lewis Executors and of Mr Jerman.

(1) The Company's claim is to the area ("the N area") lying to the north of the part marked C on the Register map and the west of the part marked A. The N area was part of premises known as Nant y Gwrdu which were conveyed to the Company by a Conveyance dated 26 May 1936, the Vendors being Basil C Robinson and Others. On this evidence I am satisfied that the Company owns the N area.

(2) Mr Jerman's claim is to the area ("the O area") which is the narrow stretch of land adjoining the southern boundary (marked with a red line) of the part marked A on the Register map. By a Conveyance dated 6 July 1956 made between (1) Thomas Jerman and Another (2) T B L Jerman, property which included Gronwen Farm was conveyed to T B L Jerman: the Conveyance does not have a plan of its own but refers to the plan on a Conveyance of 1911. The certified copy of the 1956 Conveyance which I have seen does have a plan attached which may be a copy of the 1911 plan, and the plan includes the O area. Mr Jerman is already finally registered as owner of the A part and in evidence stated that the O area falls within the boundaries of Gronwen Farm: he has farmed it since 1956 and re-seeded it from time to time. It is not fenced off from the A part, and there is a fence between the southern boundary of the O area and the adjoining forest. He has used it for grazing as one unit with the A part.

On this evidence I am satisfied that Mr Jerman owns the O area.

(3) The third claim is by Midland Bank Trust Company, as executors of Lewis Lewis (Junior) to a small triangular area ("the P area") at the northern tip of the part marked D on the Register Map. In a statutory Declaration made on 9 October 1968



- 2 -

a Mr Edward Thomas deposed to the fact that he was well acquainted with the farm Geufron, which he had frequently visited over the past 60 years and had walked over it with Lewis Lewis (Senior) and his son Lewis Lewis, to whom the property passed in 1935. The plan of the farm Geufron attached to the Declaration includes the P area and in the declaration Mr Thomas said that he had no doubt that the land shown on the plan comprised the farm and lands known as Geufron. By an Assent dated 23 December 1935 the Executors of Jane Lewis assented to the vesting of Geufron Farm in Lewis Lewis (Junior): he died in August 1981 and probate of his will was on 6 October 1981 granted to Midland Bank Trust Company.

Mr W R Lewis, the son of Lewis Lewis (Junior) gave evidence and said that he was aged 43, and that he and his family had in his lifetime always farmed Geufron and that the P area was fenced in as part of the farm and was grazed or ploughed and reseeded.

On the evidence I am satisfied that ownership is in the Midland Bank Trust Company as executor of Lewis Lewis (Junior).

I shall accordingly direct the Powys County Council, as registration authority, to register under section 8(2) of the Act of 1965, the Company, T B L Jerman and Midland Bank Trust Company as owners of respectively, the N area, the O area and the P area.

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

28 March

1983

*L. J. Morris Smith*

Commons Commissioner