



COMMONS REGISTRATION ACT 1965

Reference No. 276/U/101

In the Matter of Parts of Trannon and of Sarn Bigog,
Llanbrynmair and Carno, Montgomery D

DECISION

This reference relates to the question of the ownership of land described above being the parts of the land ("the Unit land") comprised in the Land Section of Register Unit No. CL 80 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 Mrs M V Edwards and Mr E M Jones each claimed to be the freehold owners of different parts of the Unit land: 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 24 February 1982. At the hearing Mr G Morgan, of the firm of Milwyn Jenkins and Jenkins, Solicitors, appeared on behalf of Mrs Edwards: and Mr B Jones of the firm of Humphreys and Parsons, Solicitors, appeared on behalf of Mr Jones.

Mrs Edwards's claim related to the part ("the F part") of the Unit land which is lettered F on the Register Map. By a Conveyance dated 2 February 1953 property which included the F part was conveyed to Edward Evans. He died in 1980 and by an Assent dated 28 May 1981 his Executor assented to it vesting in Mrs Edwards.

Mr Jones gave evidence and said that he had lived on Ystrad Fach Farm for some 46 years. This farm lies on the northern side of the Unit land; the part of which he claims ownership ("the northern area") adjoins the NE boundary of the part lettered C on the Register Map. Mr Jones said that the northern area had always been regarded as part of the farm and is fenced on three sides. The farm and sheepwalk were conveyed to his brother in 1955. In 1961 when he was working on another farm, his brother asked him to go back and work the Ystrad Fach Farm; his brother said that he was giving it all to Mr Jones, who accepted what his brother said. The brother left the farm and has since kept away: in 1976 he asked for rent, which Mr Jones refused, believing he was the owner.

Whatever rights Mr Jones may have against his brother, the evidence does not in my opinion establish the ownership of the legal estate of the northern area in Mr E M Jones. His claim, as I understood it, was based on a gift of the property by his brother, but there was no satisfactory evidence of the brother's ownership and, if he was the owner, then the evidence at best showed what in law is an incomplete gift. In the result I am not satisfied as to the ownership of the northern part, which will therefore remain subject to protection under Section 9 of the Act of 1965.

On the evidence given on behalf of Mrs Edwards, I am satisfied that she is the



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owner of the F part, and I shall accordingly direct the Powys County Council, as registration authority, to register her as its 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

29 March

1982

Commons Commissioner