



COMMONS REGISTRATION ACT 1965

Reference Nos. 276/D/26-43 inclusive

In the Matter of Penybont Common  
(Rhos-Swydd), Llandegley and  
Llanbadarn

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DECISION

These disputes relate to the registration at Entry Nos. 1-5 inclusive, 10, 16-18 inclusive and 24-32 inclusive in the Rights Section of Register Unit No. CL. 14 in the Register of Common Land maintained by the Powys County Council and are occasioned by Objection Nos. 77-81 inclusive, 83, 85, 86, 87, 92-98 inclusive, 109 and 934, made by the Rhos-Swydd and Coed-Swydd Commoners Association on 11 September 1970 and (in the case of Objection 934) on 16 September 1971.

I held a hearing for the purpose of inquiring into the dispute at Llandrindod Wells on 6 January 1976.

The hearing was attended by: (1) Mr J W H Llewellyn, Solicitor, who purported to appear on behalf of the Objectors, Rhos-Swydd and Coed-Swydd Commoners Association; (2) Mr Gareth Morris, Solicitor, on behalf of the applicants Messrs T W J and E M V Powell (Entry No. 24), Mr J S Ruell (Entry Nos. 28 and 29) and Mr J O Duggan (Entry No. 31); (3) Mr D T M Evans, Solicitor, on behalf of the Applicant Mr W Thomas (Entry No. 30); (4) Mr Donald Jones, Solicitor, on behalf of the Applicants Messrs L and J D L Morgan (Entry No. 1), Mr D W Davies (Entry No. 25) and Mr F J Layton (Entry No. 32); and (5) Mr Peter Morris, Solicitor, on behalf of the Applicants Mr T A Lewis (Entry Nos. 16 and 17), Mrs S B Powell (Entry Nos. 26 and 27), and Messrs C H Reynolds & Son (Entry No. 4).

All these references relate to Rights registrations in respect of Penybont Common (Rhos-Swydd), a tract of land extending to some 700 acres situated in the parishes of Llandegley and Llanbadarn Fawr in the former county of Radnor. The registration of the Common as common land became final on 1 October 1970. In 1966 the great majority of the persons claiming to have grazing rights over the Common formed an Association known as the Rhos-Swydd and Coed-swydd Commoners Association, of which Mr J E Hughes became the Chairman, Mr J E Bufton the Secretary, and Mr J A Thomas the Vice-Chairman and Treasurer. There were 32 applications for the registration of Rights (that is, grazing rights) over the Common. Some 24 of the Applicants became members of the Association. At a meeting of the Association held on 26 August 1969, at which 16 members were present, a resolution was passed recommending that, in the case of the smaller farms, the commoners should limit their registrations to the following maximum numbers of animals: for holdings up to 10 acres, 30 sheep; for holdings over 10 but not exceeding 20 acres, 40 sheep; and for holdings over 20 but not exceeding 30 acres, 60 sheep. It appears that, in two or three cases, the registrations were amended so as to bring them into line with this recommendation,



and thereupon the objections lodged by the Association in respect of these registrations were withdrawn and the registrations became final. It is plain, however, that eventually the bulk of the members of the Association did not support, or ceased to support, the recommendation, and took the view, rightly or wrongly, that all the remaining objections lodged by the Association should be withdrawn. A meeting of the members was held on 22 December 1975. This meeting was convened by a Notice dated 16 December 1975, signed by 8 members of the Association, for the purposes of (a) appointing a Chairman Secretary and Treasurer of the Association and (b) considering and if approved passing resolutions withdrawing all the outstanding Objections lodged on behalf of the Association. The meeting was attended by some 23 members. The withdrawal resolutions were all passed, in most (if not all) cases unanimously. A new Chairman and an acting Secretary were appointed. The former officers of the Association - that is, Mr J<sup>E</sup> Hughes, Mr J E Bufton and Mr J A Thomas - did not attend the meeting, and, on the day before the hearing, they instructed Mr Llewellyn to represent the Association at the hearing before me, with a view to pursuing the outstanding objections of the Association, inasmuch as they took the view that the meeting of 22 December 1975 was unconstitutional.

At the hearing before me, the point was taken on behalf of the Applicants that Mr Llewellyn had no authority to speak on behalf of the Objectors, that is, the Association. Oral evidence was called on both sides. I gave an oral judgement at the hearing on this issue, and decided, for the reasons I then gave, that Mr Llewellyn was not authorised to represent the Association. In the result, the Objections were not pursued.

I should mention that, in the case of Reference No. 276/D/36, the withdrawal of the Objection was conditional on the Applicant (Mr D W Davies, Oakfield, Llandegley) agreeing to an amendment of his registration by the substitution of 150 sheep for 480 sheep. Mr Davies in fact agreed to this amendment.

For these reasons I confirm the registrations with the following modification:- in the case of Reference No. 276/D/36 at Entry No. 25 in column 4 for "480 sheep" read "150 sheep".

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 20<sup>th</sup> day of

May

1976

*H. E. Francis*

Commons Commissioner