



COMMONS REGISTRATION ACT 1965

Reference No 276/U/45

In the Matter of Piece of land at the
Entrance to St Michael's Church, Forden,
Montgomery D

DECISION

This reference relates to the question of the ownership of land known as Piece of land at the Entrance to St Michael's Church, Forden, Montgomery D being the land comprised in the Land Section of Register Unit No CL. 47(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 no person claimed to be the freehold owner of the land in question and no one 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 9 December 1976.

Mr J T Humphreys whose registration of a right to graze is final appeared but had no information as to the ownership of the land in question.

Mr Humphreys complained that the land was being used for dumping and that some members of the Community Council were contending that he was responsible for clearing the land.

In my view Mr Humphreys is not responsible for any misuse of the land by others and when the land comes under protection the local authorities or one of them will be responsible for clearing the land so that Mr Humphreys can exercise his right to graze. If as Mr Humphreys alleges the County Council has been responsible for the dumping then the burden of clearing the land would appear to fall upon the County Council.

In the absence of any 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. Selth

Commons Commissioner