

Reference No. 58/D/21

In the Matter of The Begwns
Llandewifach and Llowes, Powys

DECISION

This dispute relates to the registration at Entry No. 13 in the Rights Section of Register Unit No. CL.12 in the Register of Common Land maintained by the Powys County Council and is occasioned by Objection No. 824 made by Begwns Commoners Association and noted in the Register on 30 September 1970.

I held a hearing for the purpose of inquiring into the dispute at Llandrindod Wells on 7 January 1975. The hearing was attended by Mr. Gwilym Jones, the applicant and by Mr. E R Lewis on behalf of the Objector.

Mr. Jones testified that he had owned Hendom Farm, Llowes, for 23 years, and that, throughout the period of his ownership, he had every 3 years or so cut fern on the Begwns for use as litter on Hendom Farm. Mr. John Trevor Arthur Lloyd of Lower Noyadd, Llowes, also gave evidence, and said that a Mr. Williams, who was the tenant of Hendom prior to its purchase by Mr. Jones in 1951, had cut fern on the Begwns for some 10 or more years prior to the War of 1939-45. Mr. Williams cut fern every year for use as litter at Hendom Farm.

Mr. Jones admitted that he had not hitherto exercised any right of grazing over the Begwns. His claim to be entitled to do so was based on the terms of a Conveyance dated 4 October 1950 to his Vendor Ashdale Land and Property Co. Ltd. of the Clyro Court Estate, which consisted of some 3789 acres and comprised numerous farms including Hendom. By this Conveyance there was conveyed with the land "All rights of way rights of common and other easements and rights belonging thereto". There was however no evidence before me that any right of grazing over the Begwns had been enjoyed prior to this Conveyance in respect of Hendom Farm.

For these reasons, I confirm the registration as regards the right to cut and remove fern, but refuse to confirm the registration of the alleged grazing right.

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

25th

day of

April

1975

A. E. Francis

Commons Commissioner