



COMMONS REGISTRATION ACT 1965

Reference No.276/U/55

In the Matter of Tract of land forming
part of Blaen-y-Cwm Llangurig Montgomery D

DECISION

This reference relates to the question of the ownership of a tract of land known as part of Blaen-y-Cwm Llangurig Montgomery D being the land comprised in the Land Section of Register Unit No.CL.97 (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 Mrs B D Thompson claimed to be the freehold owner of the land in question.

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 A P J Rhodes of Messrs. Ryland Martineau and Co., appeared for Mrs Thompson and produced a conveyance dated 11 November 1968 whereby Mr Guest conveyed to her Tan-y-berth Farm together with rights of sheepwalk on Blaen-y-Cwm hill coloured blue on the plan on that conveyance, being the land in question. Mrs Thompson gave evidence that at the date of the said conveyance the land in question was completely fenced in and that no one had objected to the fencing and that her vendor Mr Guest had acquired her farm and rights in 1960 and he had said that the land was completely fenced at that time.

Mr E W Price who claims to own another part of Blaen-y-Cwm and farms an adjacent farm Dernol confirmed Mrs Thompsons evidence and said he came to Dernol 32 years ago and there were no fences at that time, it was as he said " just a turnout". In 1955 the five farms agreed to fence Blaen-y-Cwm out in portions and that each farm should graze one portion. Those fences have remained ever since without objection. He further said that the North boundary was fenced in 1953 and the rest of the perimeter had been fenced ever since he could remember.

Mr Pugh of Brithdir was born at that farm and he confirmed Mr Prices evidence.

Blaen-y-Cwm has been in the exclusive occupation of those who now claim to own parts of it since 1953 and they, including Mrs Thompson have acquired possessory titles of their respective parts.

On this evidence I am satisfied that Mrs B O Thompson is the owner of the land, and I shall accordingly direct the Powys County Council, as registration authority, to register Mrs B O Thompson as the owner of the land under section 8 (2) of the Act of 1965.



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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 state a case for the decision of the High Court.

Dated this 21st day of February 1977

Y A Jettle

Commons Commissioner