



COMMONS REGISTRATION ACT 1965

Reference No 276/U/40

In the Matter of Tract of land known as Gelli-Uchaf Common, Castle Caereinion, Montgomery D

DECISION

This reference relates to the question of the ownership of land known as Gelli-Uchaf Common, Castle Caereinion, Montgomery D being the land comprised in the Land Section of Register Unit No CL. 20(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 R C Frazer claimed to be the freehold owner of the land in question and 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 8 December 1976.

Mr W D Cooke of Messrs Harrison & Sons appeared for Mrs Frazer and claimed she had acquired a possessory title to the land in question. Mrs Frazer is now the owner of the farm known as Gelli-Uchaf and a plan of the lands comprised in that farm was produced which disclosed that they lie both to the north and the south of the land in question.

Mrs L D Roberts was born at Gelli-Uchaf in 1932 and lived there till she was aged 21. The land in question, two fields OS 150 and OS 156 were always grazed with the farm Gelli-Uchaf and if any neighbours stock came on to those fields they would come and fetch them off. There was a gate across the road at the east end of the field OS 156 and at the time of which Mrs Roberts spoke there were no fences between OS152 and OS 150 nor between OS 156 and OS 155. The boundaries between the land in question and the lands of other neighbours are all fenced and the fences belong to the neighbours.

Mr H B Sanbrook a son of Mrs Frazer born in 1944 gave evidence that he had known Gelli Uchaf all his life and that it was acquired by his family in 1953 from Mrs Matilda Roberts who was his aunt. He used to walk the land with his mother and his aunt and he never saw any animals other than those from Gelli-Uchaf on the land in question, and there was never any suggestion that it was not part and parcel of that farm. The land in question is currently let, together with other land of Gelli-Uchaf to a neighbour but this is only for the last two years; access to the fields OS 152 and OS 129 can only be had over the land in question.

Mrs Frazer owing to difficulty with her speech could not give evidence but she indicated that she confirmed her son's evidence.



On this evidence I am satisfied that Mrs R C Frazer is the owner of the land, and I shall accordingly direct the Powys County Council, as registration authority, to register Mrs R C Frazer as the owner of the land 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 this 30th day of December

1976

C A Little

Commons Commissioner