



COMMONS REGISTRATION ACT 1965

Reference Nos 58/D/37, 38, 39, 41 & 42

In the Matter of Twyn-y-Garth,
Llandilo Graban, Radnor D

DECISION

This dispute relates to the registration at Entry Nos 3, 4, 5, 9 and 11 in the Rights Section of Register Unit No CL. 9 in the Register of Common Land maintained by the former Radnorshire County Council and is occasioned by Objection Nos 73 and 70 both made by Twyn y Garth Commoners Association and both noted in the Register on 7 September, Objection No 142 made by R J Pugh and noted in the Register on 7 September 1970 and Objection No 312 made by H. T Williams and noted in the Register on 5 October 1970.

I held a hearing for the purpose of inquiring into the dispute at Llandrindod Wells on 8 November 1977.

Mr R J Pugh appeared on his own behalf and on behalf of the Twyn-y-Garth Commoners Association, Mr A P Jones appeared on behalf of himself and his wife as applicant under Entries 3 and 5. Mr H T Williams appeared in person.

This Common lies to the east of Unit Nos CL. 11 and 25 and I was told that until recently Unit Nos 9-11 and 25 had always been regarded as one common, and that it was only recently that the Twyn-y-Garth Commoners Association had been formed as a "splinter group".

Mr and Mrs Jones whose farms were remote from this Unit were content that I should refuse to confirm their rights on this Unit; they had no intention of turning their flocks on to this Unit and if any sheep strayed there would be glad if they were returned to their flocks. For this reason I refuse to confirm Entry Nos 3 and 5.

Mr A W Griffiths' Entry No 9 did not appear to support his application and I refuse to confirm Entry No 9.

There remain outstanding for consideration Entry Nos 4 and 11. The respective farms of Mr Williams and Mr Pugh both adjoin this Unit but Mr Pugh's farm also adjoins Unit CL. 25. Mr Pugh's contentions were that CL. 9 this Unit was a separate common, and he produced to me a statement by D J Pugh aged 83 which stated that there was a gate to the west of the Unit and that if sheep from other commons came on to this Unit by reason of the gate being left open he would turn them back. While no doubt it was convenient for all farmers to keep their flocks from straying I do not find the existence of this gate conclusive evidence that this Unit was a separate common. The contrary is the case; both Mr Pugh and Mr Williams claim their rights "in accordance with the decision of the Court Leet for the Manor of Ishmonydd dated 12 October 1894.



A copy of the decision of the Court Leet was produced which provided inter alia:-

"That no tenants of the Manor shall turn out upon the waste lands of the Manor outside the respective Parishes in which they reside"

and it also fixed a scale of grazing.

I am unable to distinguish between the rights of Mr Williams and the other Commoners. It was not disputed that the decision of the Court Leet covered this Unit and Unit Nos 11 and 25, and for this reason I must confirm both Entry 4 and Entry 11. Indeed Mr Williams did not pursue his objection to Entry No 11 on the ~~feeling~~ feeling that I would confirm his Entry No 4.

In cases where unapportioned Entries have been made for more than one Unit it is to be implied that these Entries relate to one flock and that no more than the numbers of that flock are to be grazed on one or more of the three Units at any one time.

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 November

1977

G. A. Settle

Commons Commissioner