



**COMMONS REGISTRATION ACT 1965**

**Reference No. 278/D/998 - 1076**

**Register Unit No. CL9**

**In the matter of a tract of land comprising about 387.193 acres known and situate at Pengwern Common, Ilston, Swansea ("Pengwern Common")**

**And in the matter of a conflict between registrations in Register Unit No. CL9 and other adjoining Register Units**

**DECISION**

1. This reference relates to a number of outstanding conflicts between registrations entered in the Rights Section of the Commons Register of Register Unit No. CL9 and/or with registrations entered in the Commons Registers of other adjoining Register Units all of which are maintained by The City and County of Swansea as the Registration Authority.
2. By 64 Notices of Reference (Dispute) in Form 36, all dated 22<sup>nd</sup> May 1997, the Registration Authority referred the disputed registrations to a Commons Commissioner.
3. On 24<sup>th</sup> March 1998 a hearing was held in Swansea by Mr David Burton, Chief Commons Commissioner, for the purpose of inquiring into the questions. Regrettably Mr Burton subsequently died before his Decision was issued.

4. In these circumstances it is necessary to issue the Decision. However, regard must be had as to what transpired at the hearing before Mr Burton and to any unresolved issues remaining. Accordingly, I held a hearing on 26<sup>th</sup> September 2002 in Swansea for the purposes of inquiring into the matters and to deal with any outstanding issues.
5. I should state at the outset that the Land Section of the Register has become final, but the Rights Section remains a provisional registration. Also in so far as there is a conflict between the entries contained in the Register of Register Unit No. CL9 and those contained in the Registers of other Register Units, the Registration Authority will have to satisfy itself that those other entries are correct or are amended accordingly. It may be necessary to hold further inquiries into any matters arising.
6. I have been provided with a schedule ("the Schedule") containing the entries which require to be confirmed in the Rights Section of Register Unit CL9. I have been informed by Mr Brian Humphreys, for the Registration Authority, that most issues were satisfactorily concluded during the hearing before Mr Burton. However, there were apparently a few remaining outstanding issues. These were identified by Mr Humphreys during the hearing on 26<sup>th</sup> September 2002. These I dealt with as part of putting the Schedule into good order. No person present at the hearing made any objection or raised any issue on the points raised. I therefore do not consider that it is necessary to set out the detail of what transpired at the hearing before me in this Decision.
7. No other claim was made or evidence produced at the Inquiry to cast doubt on the entries in the Schedule.
8. I accordingly confirm the Schedule and direct The City and County of Swansea as the Registration Authority to include the same in the Rights Section of the Register of Common Land of Register Unit CL9.
9. 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 the notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 15<sup>th</sup> day of November 2002

  
Chief Commons Commissioner