



COMMONS REGISTRATION ACT 1965

Reference Nos. 51/D/143 & 144

In the Matter of Moel Faen, Llantysilio
and Bryneglwys, Glendwr D

DECISION

These disputes relate to the registration at Entry Nos. 1 to 19 inclusive in the Rights Section of Register Unit No. CL. 22 in the Register of Common Land maintained by the former Denbighshire County Council and are occasioned by Objection No. 38 made by Duncan Robertson and noted in the Register on 29 September 1970 and Objection No. 112 made by C S Bond noted in the Register on 4 May 1972.

I held a hearing for the purpose of inquiring into these disputes at Llangollen on 1 April 1976. The hearing was attended by Mr Sopwith on behalf of Mr Duncan Robertson, Mr Richards on behalf of Mr Bond and Mr Parry counsel instructed by Messrs Hopley Pierce and Bird on behalf of Mr Bird Jones the applicant for Rights under Entry No. 19.

Mr Bird Jones case was that he had purchased a flock of sheep in 1955 from a Mr Drakely and that when he made that purchase he had been assured and he believed it to be the fact that his purchase included the right to graze the flock being the right claimed under his Entry No. 19. This claim by Mr Bird Jones is bad in law since grazing rights are appurtenant to the land on which the sheep are based and not to the sheep whereby the rights are exercised. Faced with this insurmountable obstacle, Mr Parry argued that the rights were appurtenant to the land which Mr Bird Jones purchased in 1954, but he had no evidence to support that argument and ultimately conceded that he could not pursue it. For this reason I refuse to confirm Entry No. 19. I feel bound to say that I have considerable sympathy for Mr Bird Jones who has grazed his modest flock of 35 ewes and 35 lambs since 1955, and it is to be hoped that his neighbours will find some way of acting sympathetically towards him in the situation in which he now finds himself.

All the other applicants for Rights appeared by their respective legal representatives, or agents or in person and it was agreed that I should refuse to confirm Entry Nos. 4 to 12 inclusive and 15 and that I should confirm Entry Nos. 1, 2, 3, 13, 14, 16, 17 and 18, Entry Nos. 2, 3, 14, 16, 17 and 18 being modified so as to limit the number of sheep grazed on this and other Units.

For these reasons I refuse to confirm Entry Nos. 4 to 12 inclusive, 15 and 19. I confirm Entry Nos. 1 and 13, and I confirm Entry Nos. 2, 3, 14, 16, 17 and 18 modified as follows:

Entry No. 2 by deleting all the words in the 4th column and inserting in lieu thereof the following words viz:-

"The right to graze 120 ewes on this Unit and Unit No. CL. 74 but so that the total number of sheep grazed at any one time on this Unit and CL. 74 shall not exceed 120 ewes."



Entry No. 3 by inserting after the words "comprised in this Register Unit" in the 4th column the words "and Unit No. CL. 128 but so that the total number of sheep grazed over this Unit and CL. 128 at any one time shall not exceed 260 ewes and 60 yearlings"

Entry No. 14 by deleting all the words in the 4th column and inserting in lieu thereof the following words viz:-

"The right to graze 600 ewes and 500 lambs over this Unit and Unit Nos. CL. 123 and 128 but so that the total number of sheep grazed over this Unit and CL. 123 and CL. 128 at any one time shall not exceed 600 ewes and 500 lambs"

Entry No. 16 by deleting all the words in the 4th column and inserting in lieu thereof the following words viz:-

123 and ~~"The right to graze 294 ewes and followers over this Unit and Unit Nos. CL. 126, CL. 127, CL. 213 and CL. 218 but so that the number of sheep grazed at any one time over this Unit and all the other said Units shall not exceed 294 ewes and followers"~~

Entry No. 17 by inserting after the words "comprised in this Register Unit" in the 4th column the words:-

"and Units Nos. CL. 21, CL. 122, CL. 123 and CL. 128 but so that the total number of sheep grazed at any one time over this Unit and all the other said Units shall not exceed 400 sheep and 400 lambs"

Entry No. 18 by deleting all the words in column 4 and inserting in lieu thereof the following words viz:-

"The right to graze 850 sheep over this Unit and Unit No. CL. 124 but so that the total number of sheep grazed at any one time over this Unit and CL. 124 shall not exceed 850 sheep"

I am required by regulations 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 14th day of April

1976

C. A. Little

Comptroller under Regulation 33

Commons Commissioner

31.3.76