



COMMONS REGISTRATION ACT 1965

Reference No. 55/U/26

In the Matter of Bu-Benna Common,
Llanbadoc Fawr

DECISION

This reference relates to the question of the ownership of land known as Bu-Benna Common, Llanbadoc Fawr being the land comprised in the Land Section of Register Unit No. CL.49 in the Register of Common Land maintained by the former Monmouthshire 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 Lord Raglan 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 Monmouth on 2nd July 1975.

The hearing was attended by Mr. William Robert Dixon of Yew Tree Cottage, Glacced; and by Mr. J. Stephens of the firm of Waddington Llewellyn and Burge, Solicitors, on behalf of Lord Raglan.

Mr Dixon claimed to be the owner of the land jointly with his wife, Joan Isabel Dixon, and gave evidence in support of the claim. He said that he and his wife bought Yew Tree Cottage and the land in question at a public auction in 1971. He produced a Conveyance dated 1st December 1971, by which Yew Tree Cottage was conveyed to Mr and Mrs Dixon in fee simple, and Bu-Benna Common was conveyed to them "for all the estate and interest therein of the Vendor". The Conveyance recited that the Vendor had been in possession of Bu-Benna Common for upwards of 12 years. Mr Dixon also produced a Statutory Declaration dated 28th June 1967 by his Vendor, wherein the declarant states that he had been in undisturbed possession of Bu-Benna Common since 1951, when he bought Yew Tree Cottage.

Mr Dixon testified that he had habitually turned his stock on to the Common, and had ploughed and re-seeded part of it. The Common was fenced on all sides, except on the northern side where it adjoined the land belonging to Yew Tree Cottage. The fence on the eastern side was maintained by him alone; the remaining fences by him and his neighbour.

In the face of this evidence, Mr. Stephens withdrew the claim of Lord Raglan.

On this evidence I am satisfied that the said William Robert Dixon and his wife Joan Isabel Dixon are the owners of the land, and I shall accordingly direct the Gwent County Council, as registration authority, to register them as the owners 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 *13th* day of *December* 1975

A. E. Francis

Commons Commissioner