



COMMONS REGISTRATION ACT 1965

Reference No. 273/D/88-90

In the Matter of Common-y-Fal Common,  
Llanbadoc Fawr

DECISION

These disputes relate to the registration in the land section of Register Unit No. CL.46 in the Register of Common Land maintained by the Gwent County Council occasioned by Objection No. 76 made by Robert Edward Price and noted in the Register on 29 September 1980 to the registrations at Entries Nos 1 and 2 in the rights section of that register unit occasioned by that objection and to the registration at Entry No. 1 in the ownership section of that register unit occasioned by Objection No. 75 made by Robert Edward Price and noted in the Register on 8 October 1970.

I held a hearing for the purpose of inquiring into the dispute at Monmouth on 20 November 1985 which was adjourned to Cwmbran on 1 May 1986 and again to 3 October 1986 and finally to 12 January 1988. Mr R E Price and Mr Roy William Davies (registrant at Entry No. 1 in the rights section) appeared in person and (on 12 January 1988) Mr G W Edwards solicitor of Messrs. Everett and Tomlin of Pontypool appeared for Mr W G Coles (registrant at Entry No. 2 in the rights section).

The Rights Section

Two rights are provisionally registered.

Mr Roy William Davies of the Lilacs, Glascoed, the registrant of Entry No. 1 gave evidence that he was 55 years old, had known the land since he was 10 and had lived at the Lilacs, which immediately adjoins the south western end of the unit land, since 1958. Rights Entry No.1 claims a right to graze 12 sheep and one pony and common of estovers over the whole of the unit land, but he said that he had never himself grazed sheep or ponies only poultry (for which no right is claimed). He further said that his predecessors called Jones grazed no ponies or sheep. He thought the people who had the land 60 years ago used to graze sheep. Since that was before he was born this can only be hearsay and even if admissible does not convince me that any right to graze sheep let alone ponies attaches to the Lilacs.

He did, however, tell me, and I accept that he has always gathered firewood from the unit land to burn in his own fire at the Lilacs and that so did his predecessors before him. Since he has known the land since 1946 or thereabouts I am prepared to draw the inference that a right of estovers over the unit land attached to the Lilacs at the date of registration and accordingly confirm Rights Entry 1 with the modification that it comprises a right of estovers only.



Mrs Winifred Myra Coles, the wife of Mr W G Coles gave evidence that she was 63 years old. Alfred Price, the registrant, was her uncle. From the early 1930's he used to live at the Poplars and she used to visit him there. He used to keep a flock of sheep and pigs and cattle. He turned them out on Common y Fal. In 1969 she and her husband bought the house but her uncle Alfred Price continued to live there. During all this time he used regularly to turn out sheep and cattle. On that evidence, which was unchallenged, I am satisfied that there is a right of grazing attached to the Poplars but in view of the size of that holding (2.757 acres) Mr Coles agreed to limit the number of animals claimed to 13 sheep or 3 cattle or 3 horses or a combination of these animals pro rata, which appears to me to be reasonable. I shall accordingly confirm Entry No.2 with the modification that the number of animals shall be reduced to these numbers.

#### The Land Section

Mr Robert Edward Price of Brynheulog, Glascoed (shown on the map as "Sunny Bank") objected to the inclusion in the registration of a small area of woodland at the north end of the unit land (part O.S.291). This part is a larch plantation fenced off from the remainder of the unit land which is rough woodland and was part of the land purchased by Mr Price with Sunny Bank alias, Brynheulog and conveyed to him by Reginald Gordon Burge by a conveyance dated 12 October 1966 in which this land is described as being comprised in a conveyance dated 31 December 1952 and made between Emma Louisa Milton (1), the said Emma Lousia Milton, Loderick Henry Arthur and Ronald Parry Arthur (2) and the Vendor (3).

This evidence was not challenged by Mr Davies or Mr Coles who did not claim that they or their predecessors exercised any rights over that part of the unit land and I am quite satisfied that if there were ever any such rights over this part of the unit land (as to which I have no evidence) they were long ago abandoned.

Accordingly I allow Mr Price's objection and confirm the registration in the land section with the modification that the land shown on the plan attached to objection number 76 be omitted from registration.

#### The Ownership Section

I was informed that the only registration in this section had been withdrawn by Mr Rennie's trustee in bankruptcy. I shall accordingly not confirm it.

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 21<sup>st</sup> day of January 1988

*Peter Langdon-Davis*

Chief Commons Commissioner