



COMMONS REGISTRATION ACT 1965

Reference No 273/D/1 to 17
inclusive

In the Matter of Garn-y-Cefn
Ebbw Vale, Aberystroth and
Abertillery, Blaenau, Gwent D

DECISION

These disputes relate to the registrations at No 2 in the Land Section and Nos 1 to 19 inclusive, 21, 23, 24 and 25 in the Rights Section of Register Unit No CL 13 in the Register of Common Land maintained by the former Monmouthshire County Council and are occasioned by:

Objection No	made by	the National Coal Board	noted in the Register	on 29 April 1969
" No 1	"	"	"	" 8 June 1970
" No 4	"	" Richard Thomas and Baldwin	" " " "	" 18 Aug 1970
" No 10	"	" G W Shellard	" " " "	" 25 Aug 1970
" No 11	"	" G W Shellard	" " " "	" 16 Nov 1970
" No 128	"	" West Mon Golf Club Ltd	" " " "	" 8 June 1970
" No 2	"	" G S Jukes	" " " "	" 21 Oct 1970
" No 41	"	" G S Jukes	" " " "	" 21 Oct 1970
" No 42	"	" Mynydd Garn-y-Cefn Commoners	" " " "	" 21 Oct 1970
" No 44	"	" Mynydd Garn-y-Cefn Commoners	" " " "	" 21 Oct 1970
" No 60	"	" G W Shellard	" " " "	" 23 Oct 1970
" No 61	"	" G W Shellard	" " " "	" 23 Oct 1970
" No 125	"	" Mynydd Garn-y-Cefn Commoners at Newport	" " " "	" 13 Nov 1970

On 17 March at Newport I adjourned the hearing of these disputes and I held the adjourned hearing at Brecon on 22 November 1976. The hearing was attended by:-
Mr C J Pitchford counsel instructed by Messrs Westren Edwards & Co on behalf of the Garn-y-Cefn Commoners
Mr T H Moseley counsel instructed by Messrs Fonseca Edwards & Co on behalf of the West Mon Golf Club Limited and
Mr V Pugh counsel instructed by Messrs Rooke & Hobbs on behalf of Parkhill Investments, Mr J E Jones and Mr C F Henton

I was told at the commencement of the hearing that agreement had been reached by all the interested parties as to the boundaries of the common and in accordance with that agreement I confirm the Entry at No 2 in the Land Section modified so as to exclude all the land to the West of the red line on the part of the Register Map annexed to this decision and all the land, on which the Golf Club House is situated, to the East of the red line on the said map.

It was the contention of the Golf Club which was accepted by the Commoners that the right to graze on the Golf Club land edged green on the said map was limited to the right to graze sheep thereon and that there were no rights to graze cattle,



horses or ponies on the Golf Club land. In order to give effect to the agreement between the parties the Golf Club require to erect a fence around the Golf Club land which will enable sheep to enter but will prevent cattle and horses from entering onto that land. It is apprehended that the erection of this fence will require the consent of the Minister pursuant to Section 194(1) of the Law of Property Act 1925. I am willing to reopen this matter if such consent is refused prior to the Entry at No 2 in the Land Section modified as aforesaid becoming final. It is relevant to mention that I was told there will be right of way for persons, cattle and horses across the Golf Club land.

In the course of the hearing agreement²³ was reached between all the Commoners and other interested parties that I should refuse to confirm Entry Nos 2, 3, 8, 15, 17, 21 ~~and 23~~ in the Rights Section and that I should confirm Entry Nos 1, 4, 5, 6, 7 ~~and~~ 9, 10, 11, 12, 13, 14, 16, 18, 19, 24 and 25 modified in each case by deleting all the words in column 4 and substituting in each case the number of stints set opposite each such Entry in the Table below and subject to the proviso that the right to graze on the Golf Club Land is limited to the right to graze sheep. Entry No 7 should be further modified by inserting in column 5 the land described in column 5 of Entry No 8.

TABLE

<u>Entry No</u>	<u>Number of Stints</u>	<u>Entry No</u>	<u>Number of Stints</u>
1	60.80	12	17.05
4	14.83	13	3.71
5	33.98	14	29.41
6	4.20	16	5.19
7	11.86	18	2.97
9	2.10	19	19.53
10	25.46	24	6.92
11	2.59	25	9.39

Each stint confers the right to graze 12 sheep or the equivalent of 1 head of cattle or one pony for six sheep. Ewes include their lambs till 30 September in the year in which they are born and cows include their calves until they are aged six months.

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 28th day of May 1978

NOTE

Owing to the lapse of time during which no action has been taken by the Golf Club I have had no alternative but to issue this decision. The onus of fencing against commonable animals which it wishes to exclude lies upon the Golf Club if any cattle or horses stray on to the Golf Course. The owners of these animals will not be responsible for any damage they cause.

Y A Se Mc
COMMONS COMMISSIONER