



COMMONS REGISTRATION ACT 1965

Reference No. 273/D/148-151

In the Matter of Mulfran Common, Aberystruth

## DECISION

These disputes relate to the registrations in Register Unit No. CL.14 in the Register of Common Land maintained by the Gwent County Council set out in the following table and are occasioned by the objections there set out.

Land Section

<u>Reference No.</u>	<u>Entry No.</u>	<u>Objection No.</u>	<u>Objector</u>	<u>Noted in Register</u>
273/D/148	1	12	G.W. Shellard for J E Jones & C F Henton	25 April 1970

Rights Section

273/D/149	1-27	12	G. W. Shellard for J E Jones & C F Henton	25 April 1970
273/D/150	1-14, 16-19	62	Messrs. Jones and Henton	23 October 1970
273/D/151	3	30	D A Jones for Nantyglo, Blaina and District Commoners Association	20 October 1970

I held hearings to enquire into these disputes at Cwmbran on 17 March and 30 June 1987. At the hearings the Nantyglo, Blaina and District Commoners Association (objectors) were represented by their chairman Mr G Davies, Mr G W Shellard FRICS represented James Emrys Jones and Clifford Frank Henton (objectors and owners of part of the common), Mr B Hill FRICS represented the Blaenau Gwent Borough Council and Mr Norman represented the Registration Authority.

The Land Section

There is one objection (No. 12) by Mr G W Shellard. This objects to the inclusion of four separate areas marked on a plan attached to the objection. At the resumed hearing I was told that agreement had been reached between Mr Shellard and the Commoners Association that the northern two areas were common land while the southern two areas were not. That being so I shall confirm the registration in the land section with the modification that the two southern areas shown on the plan attached to objection No. 12 should be excluded from registration.



## Rights Section

The objection in the land section places all the registrations in the rights section in issue. In addition there are two specific objections.

Objection No. 30 by Mr D A Jones, secretary of the Nantyglo, Blaina and District Commoners Association was that the right claimed in Entry No. 3 does not exist. I was told that the registrant did not wish to support this registration. Accordingly I shall not confirm it.

Objection No. 62 by Mr Shellard on behalf of James Emrys Jones and Clifford James Henton the owners of the common objected that the stocking rates claimed by Entry Nos 1-14 and 16-19 were excessive.

Entry No. 1 originally claimed a right to graze 1000 sheep 10 horses and 10 cattle as attached to a farm which (though no area is given in the register) is in fact a small-holding of 19 acres. This is clearly excessive. The area was later divided and the rights apportioned. Entry No. 1 was replaced by Entry No. 26 which allots to Mrs S Arnold (who had purchased 2 acres) a right to graze 105 sheep. Entry No. 27 allots to Mr and Mrs N C Ince (who had purchased 17 acres) a right to graze 895 sheep. Mr and Mrs Ince agreed that their right should be reduced to 85 sheep or 17 cattle or 17 horses. No one appeared to support the registration at Entry No. 26 but it was agreed that this should be confirmed with a reduction to 10 sheep or 2 cattle or 2 horses.

A number of these rights registered in this unit - about a dozen - are also registered in respect of the same farms on CL.15 (Coity and Mynydd James Mountain). Since CL.14 and CL.15 are contiguous and since there is no fence between them this is not, perhaps, surprising.

Some fears were expressed at the hearings that these applicants might claim to have double rights over CL.14. However, no one objected to the registration of these rights over CL.14. Indeed, all agreed that they should be confirmed (some with modification). I can therefore only confirm them. I have no power to declare what is the effect of such registrations (which are not rare).

In the end the parties agreed that apart from Entry No. 3, all entries in the rights section should be confirmed, but that the entries in column 4 (numbers of stock) of the entries set out in the following table should be as set out.

<u>Entry No. in Rights Section</u>	<u>Sheep</u>	<u>or Cattle</u>	<u>or Horses</u>
2	175	35	35
4	65	13	13
5	30	6	6
8	310	62	62
9	80	16	16
10	100	20	20
11	565	113	113
12	60	12	12
13	75	15	15
14	80	16	16
16	20	4	4
17	185	37	37
18	10	2	2
19	20	4	4
26	10	2	2
27	85	17	17

together with in each case the words "or a combination of such animals pro rata"



Summary of Rights Section

Not confirmed - Entry No. 3

Confirmed without modification - Entry Nos. 6 15 21 23 25  
7 20 22 24

Confirmed with modification set out above -

Entry Nos. 2 5 9 11 13 16 18 26  
4 8 10 12 14 17 19 27

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 18<sup>th</sup> day of May 1989

Peter Landon-James  
Chief Commons Commissioner