



COMMONS REGISTRATION ACT 1965

Reference Nos. 276/D/422-435

In the Matter of Cefn Llwydallt forming part of
Mynydd Eppynt, Crickadarn, Brecknock B

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and to the Entries in the Rights Section of Register Unit No. CL 99 in the Register of Common Land maintained by the Powys County Council. They are occasioned by a number of Objections. There are two Objections to the Land Section registration numbered 216 and 217 both made by A D and E Morgan and noted in the Register on 11 December, which involve a consequential objection to the Entries in the Rights Section. There are further objections to a number of Entries in the Rights Section viz. No. 507 by Mr E P Davies, noted in the Register on 15 March 1971; No. 488 by Eppynt Commoners Association, noted on 15 March 1971; Nos. 717 and 718 by Mr T W Jones, and Nos. 727 and 728 by Mr E J T Jones, all noted on 12 January 1973; Nos. 745 and 746 by Mr G H Morgan, and Nos. 757 and 758 by A D and E Morgan all noted on 15 January 1973.

The registration in the Land Section was made on the application of the Commoners Association.

I held a hearing for the purpose of inquiring into the disputes at Brecon on 7 July 1981. At the hearing there were present Mr C Masterman, of Counsel, appearing on behalf of A D and E Morgan: Mr E P Davies in person: Mr D W Jones (Entries Nos. 14 and 15), Mr B G Williams (Entry No. 24) and Dr Bailey (Entry No. 23) applicants (or successors) for registration in the Rights Section. Mr Jones also represented the Commoners Association.

The Morgans' Objections to the Land Registration relate to two smallish areas on the northern side of the Unit land. Mr A D Morgan gave evidence: he and his brother (the Objectors) are the owners of three farms which adjoin the two areas, and which were purchased by their grandfather and father respectively in 1905, 1922 and 1967. The eastern most of the two areas was fenced off along its southern boundary in 1941, the fence being renewed in 1951/1952: the western most was fenced along its south western boundary about 1961. The fencing was to stop sheep coming on to the areas, which otherwise have not had anything done to them.

The Objections were not resisted by the rights applicants present or by the Commoners Association and in these circumstances I shall exclude the two areas from the land in the Register Unit.

The several Objections to the Rights Entries were all (except No. 488) withdrawn. Objection No. 488 is to Entry No. 33, which was made on the application of Mrs Garratt Adams, who did not appear. The rights claimed are to graze sheep, cattle and horses and rights of estovers, turbarry and stone gravel and shale.



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The Commons Association were content to accept the right if limited to a right to graze three sheep and their lambs (and no other rights) and I confirm this registration with that modification.

In the result I confirm the registration in the Land Section modified by the exclusion of the two areas, and I confirm the registrations in the Rights Section modified in regard to Entry No. 33 as mentioned above.

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

7 August

1981

A handwritten signature in cursive script that reads "L. J. Morris Smith".

Commons Commissioner