



COMMONS REGISTRATION ACT 1965

Reference No. 276/D/59

In the Matter of Cwmgwyn and  
Medwalleth Common, Beguildy

---

DECISION

This dispute relates to the registration at Entry No. 25 in the Rights Section of Register Unit No. CL. 20 in the Register of Common Land maintained by the Powys County Council and is occasioned by Objection No. 624 made by Mr J L Mills and noted in the Register on 29 September 1970.

I held a hearing for the purpose of inquiring into the dispute at Llandrindod Wells on 8 January 1976.

The hearing was attended by the Applicant, Mr J C Richards, the owner of Hopes Castle Farm, in respect of which the alleged rights of common of pasture and taking bracken have been registered. Mr Gareth Morris, Solicitor of the firm of Dilwyn Jones & Co, represented the Objector, Mr J L Mills.

Mr Richards gave evidence, and told me that he was the owner of Hopes Castle Farm. He produced the conveyance dated 16 September 1953 by which the farm, comprising some 48 acres, was conveyed to him. The farm is about 1½ miles from the Common. The Applicant's father was tenant of the farm from 1938 to 1943. The Applicant was tenant from 1943 to 1953. The Applicant's father did not have enough stock to turn onto the Common, although he may have turned some dozen or two sheep onto the Common shortly before 1943. When the Applicant became tenant, he started to turn a few ponies onto the Common, and during the period 1943-1950 some 25 dry sheep every two years or so in the Autumn. He did not turn out any sheep onto the Common during the period 1950 to 1973, but he did occasionally send a few ponies there. He had never taken any bracken from the Common. In cross-examination, Mr Richards stated that he turned out only 1 or 2 ponies onto the Common in 1943, and that this remained the number until 1974, when he turned out 7 ponies.

Mr Morris submitted (1) that the evidence was insufficient to establish a prescriptive right of common of pasture for sheep, and (2) that the turning out of 1 or 2 ponies onto the Common began in 1943, less than 30 years before the date of the Objection. These submissions appear to me to be well-founded.

For these reasons I refuse to confirm the registration.

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 20th day of

May

1976

A. E. Francis

Commons Commissioner