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COMMONS REGISTRATION ACT 1965



Reference No. 276/D/943-947

In the Matter of Gilwern Hill, Llanelly

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DECISION

This dispute relates to the registration at Entry No. 2, 4, 18, 20 and 21 in the Rights Section of Register Unit No. CL 37 in the Register of Common Land maintained by the Powys County Council and is occasioned in the case of Entry No. 2 by Objections made by the late W J Lewis and in the remainder by Objections made by the Duke of Beaufort's Breconshire Estate Commoners Association and noted in the Register.

I held a hearing for the purpose of inquiring into the dispute at Brecon on 29 March 1984. The hearing was attended by Mr Powell of Jeffreys and Powell, Solicitors of Brecon who appeared for Mr and Mrs Games, the present applicants at Rights Entry 2 as the purchasers of 79 acres of the dominant tenement. Mr Dawson of Henry Jones and Hogg, Solicitors of Swansea who appeared for the Duke of Beaufort's Breconshire Estate Commoners Association and Mr R R Jones appeared in person and for Mr W G Jones. Mr W J Lewis the Objector to Rights Entry No. 2 had died and no one appeared to support the Objection.

Mr Games said in evidence, that he and his wife had purchased the greater part of Ty-Gwyn Farm in 1971 from Mr J C Llewelyn who had since died. At the time of sale the Vendor told him that he had exercised rights of grazing on the Hill. He had not personally exercised any rights of grazing because it did not fit in with his programme for farming this and other land.

Mr Dawson said that his client's records showed that Ty-Gwyn Farm had common rights.

Mr Dawson said his client was the Objector in the other four cases on the ground that the claims for grazing were higher than 5 sheep or stock equivalent per acre of the dominant tenement. In these four cases the applicants had agreed to accept the Association's limit and to reduce their claims and I was invited to confirm these registrations with this reduction.

Having regard to the way in which the Association has monitored all the applications which have come before on this Estate, I am satisfied that the fact that the Association has not challenged the right of Ty-Gwyn Farm to grazing rights is prima facie evidence that the claim to such right is well founded.

For these reasons I confirm the registration at Entry No. 2 for 490 sheep or stock equivalent and the remaining four registrations subject to the following modifications

RE. 4	25 sheep or stock equivalent
RE.18	20 sheep or stock equivalent
RE.20	185 sheep or stock equivalent
RE.21	10 sheep or stock equivalent



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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 *4<sup>th</sup>* day of *April* 1984

*George Herbert*

Commons Commissioner