



COMMONS REGISTRATION ACT 1965

Reference No. 276/D/515-522

In the Matter of Partrishow Hill, Grug Mawr, Gellie  
Boeth and Blaen-yr-Henbant in the Parishes of  
Partrishow and Llanbedr-Ystradwy, Brecknock B

DECISION

These disputes relate to the registrations at certain Entries in the Rights Section of Register Unit No. CL 27 in the Register of Common Land maintained by the Powys County Council and are occasioned by Objections made by (1) The Chairman of the Duke of Beaufort's Breconshire Estate Commoners Association ("the Commoners") and (2) Black Mountains Graziers Association ("the Graziers").

I held a hearing for the purpose of inquiring into the disputes at Brecon on 16 June 1982. The hearing was attended by Mr G W Shellard, a Trustee of and representing the Commoners, and also Agent of the Beaufort Estate; by Mr W O H Stephens, of and representing the Graziers; and by Mrs D M Bufton (Rights Entry No. 22) and Mr D E Bufton (Rights Entry No. 23) in person.

The Entries objected to and the objections are as follows:-

## (1) Objections by Commoners

Entry No.	Objection No.	and date of noting in Register
2	22	19 October 1970
3	23	19 October 1970
12	50	28 October 1970
22	297	27 August 1971
23	293	27 August 1971

## (2) Objections by Graziers

1	114	28 October 1970
3	115	28 October 1970
13	115	28 October 1970
36	589	13 October 1971

The Objections are to grazing rights that have been registered - not to the existence of such rights, but to the number of the animals for which the rights are claimed. The numbers which the Objectors seek to have substituted for the numbers registered are based on the respective formulas adopted by the Associations as appropriate in relation to the common and to the inbye land in respect of which the rights are registered. Except for Mrs Bufton and Mr Bufton there was no appearance by or on behalf of the applicants for the rights concerned and in these cases I propose to modify the rights to meet the Objections.

Entry No. 22 is a right to graze 160 sheep or sheep equivalent and is claimed to be attached to Sunny Bank Farm, the applicant for registration being Mrs D M Bufton. Entry No. 23 is a right to graze 190 sheep or sheep equivalent,



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attached to Pencae Blethin Farm, and Mr Bufton was the applicant to register. Mr Bufton in evidence said that before the 1965 Act there were about 200 sheep grazed from Sunny Bank Farm, but subsequently some 160 to 170. He had run Pencae Blethin Farm since 1962 with about 180 sheep.

At present there were 300 sheep on the two farms together, and he received subsidy for a total of 288.

Mr Shellard for the Objector said that the inbye land was not capable of sustaining the aggregate of the numbers claimed and there should be a modification to accord with the scale adopted by his Association. He thought the two farms together could sustain about 288 sheep. Mr Bufton said that if a reduction in numbers is to be made he preferred it to go against the number claimed for Pencae Blethin. In the circumstances I think the appropriate course is to modify the number to 130 for Entry No. 23 and to retain 160 for Entry No. 22, making 290 in all, in both cases the sheep equivalent to be expressed in accordance with the Commoners formula.

In the result I confirm the registrations at the Rights Entries objected to with the respective modifications specified in the following Table.

Table

Entry No.	Modification in Column 4 of Rights Section.
1	For existing particulars substitute "To graze 150 sheep or sheep equivalent: 5 sheep = 1 pony, 6 sheep = 1 beast"
2	For existing particulars substitute "To graze 270 sheep or 54 cattle or 54 horses or a combination of these numbers on a pro rata basis"
3	Add after "Entry No. 2" the words "in the modified form in which it became final on 193
12	For existing particulars of grazing right substitute "To graze 500 sheep or 100 cattle or 100 horses or a combination of these numbers on a pro rata basis"
13	Modification as already made by amendment of Register
22	For existing particulars of grazing right substitute "To graze 160 sheep or 32 cattle or 32 horses or a combination of these numbers on a pro rata basis"
23	For existing particulars of grazing right substitute "To graze 130 sheep or 26 cattle or 26 horses or a combination of these numbers on a pro rata basis"
36	For existing particulars substitute "To graze 15 sheep or sheep equivalent: 5 sheep = 1 pony, 6 sheep = 1 beast"

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

17 August

1982

*L. J. in arms. Smith*

Commons Commissioner