

COMMONS REGISTRATION ACT 1965

Reference No. 58/D/22

In the Matter of The Begwns,
Llandewifach and Llowes, Powys

DECISION

This dispute relates to the registration at Entry No. 18 in the Rights Section of Register Unit No. CL.12 in the Register of Common Land maintained by the Powys County Council and is occasioned by Objection No. 827 made by Begwns Commoners Association and noted in the Register on 30 September 1970.

I held a hearing for the purpose of inquiring into the dispute at Llandrindod Wells on 7 January 1975. The hearing was attended by the Applicant, Mr. J T A Lloyd and by Mr. E R Lewis on behalf of the Objector.

The farm Lower Noyadd, to which the alleged rights are alleged to be appurtenant, was bought by the Applicant's father in 1929, and the Applicant succeeded to it in 1950 on the death of his father. The Applicant testified that during the period of his ownership he had gathered fern from the Begwns every year for use as litter on Lower Noyadd. He said that his father always did the same.

As regards the alleged grazing right, the applicant stated that his father had not turned out any animals from Lower Noyadd to graze on the Begwns. He himself began in the early 1950's to turn 3 or 4 ponies on to the Begwns to graze, but he has not heretofore grazed any sheep or cattle there. The applicant also produced a Statutory Declaration by one J C Hanson, aged 78 years, which states that Roger William Price (who farmed Lower Noyadd before the applicant's father) "had the right to graze this common". Mr Lloyd further produced three letters to him from persons who state that they had heard from various sources that Lower Noyadd had attached to it a right of grazing over the Begwns. This evidence even if I ignored the fact that the letters are inadmissible, is quite insufficient to establish that there is a right of common of grazing over the Begwns for the benefit of Lower Noyadd. Mr. Lloyd's own evidence of the exercise of a right of grazing is limited to a period of some 20 years, whereas 30 years user must be shown to prove a prescriptive right of common. There was no evidence of any express grant.

For these reasons I confirm the registration of the right to cut control and remove fee but refuse to confirm the registration of the alleged right of grazing.

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

25th

day of

April

1975

A. E. Francis