

COMMONS REGISTRATION ACT 1965

Reference Nos 58/D/25-26

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

DECISION

These disputes relate to the registration at Entry No. 36 in the Rights Section of Register Unit No. CL.12 in the Register of Common Land maintained by the Powys County Council and are occasioned by Objection No. 829 made by Begwns Commoners Association and noted in the Register on 30 September 1970 and by Objection No. 578 made by Mrs. F A Davies & Sons and noted in the Register on 29 September 1970.

I held a hearing for the purpose of inquiring into the disputes at Llandrindod Wells on 7 January 1975. The hearing was attended by Mr. E C J Selwyn, solicitor of the firm of Messrs Jeffreys and Powell, Brecon, on behalf of the applicant; by Mr. E R Lewis on behalf of Begwns Commoners Association; and by Mr. V G Jones F.R.I.C.S. on behalf of Mrs. F A Davies & Sons.

The applicant, Mr. A T Williams, gave evidence. He told me that he had lived all his life at Scalding Farm. He was born in 1916. According to family repute his father became tenant of the farm in 1902, and the farm was bought by his father in 1915. The witness produced the Conveyance to his father. The farm is a little over 42 acres in extent. The witness recalled that from the age of 10 he used to help his father gather sheep on the Begwns and bring them to Scalding Farm. His father down to his death in 1949 had regularly turned out some 50 to 60 sheep from Scalding to graze on the Begwns. He and his wife, who now farm Scalding, have done likewise since they took over the farm on the death of the applicant's mother in 1953. The applicant and his father before him, had also regularly turned some 8 to 10 ponies to graze on the Begwns. They did not, however, graze cattle on the Common. No objection had ever been taken to their use of the Common. They had also regularly cut and removed fern on the Begwns for use as litter at Scalding Farm.

This evidence was not challenged on behalf of the Objectors, and it was corroborated by (i) the oral evidence of Mr. J E Stephens, who is aged 75 years and is married to the applicant's sister, (ii) a Statutory Declaration by Mr. David Williams aged 88 years, the applicant's uncle, and (iii) a signed Statement dated 3rd December 1970 by Mr. David Samuel, since deceased.

The applicant also produced a copy (found among his father's papers) of a Notice of presentments made at a Court Leet and View of Frankpledge with the Court Baron of Walter de Winton, Lord of the Manor of Ishmonydd, held on 12th October 1894 from which it appears that the ancient custom of the Manor had been to turn upon the waste land (of which the Begwns appears to have formed part) 3 sheep to every acre of enclosed land, one horse for every 5 acres, and one beast for every 10 acres. The number of animals specified in the registration is based on this custom.

I am not satisfied that there is attached to Scalding Farm any subsisting right to graze cattle on the Begwns. If there ever was such a right, as the last mentioned

been abandoned by non-user for upwards of 50 years.

For these reasons I confirm the registration with the following modification, that is, the deletion of the reference to 4 cattle in the fourth column of the Register.

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

25<sup>th</sup>

day of

April

1975

*A. E. Francis*

Commons Commissioner