



COMMONS REGISTRATION ACT 1965

Reference No 276/U/46

In the Matter of Tract of land known as
Bryneinty Hill, Llanbrynmair, Montgomery D

DECISION

This reference relates to the question of the ownership of land known as Bryneinty Hill, Llanbrynmair, Montgomery D being the land comprised in the Land Section of Register Unit No CL. 55(M) in the Register of Common Land maintained by the former Montgomeryshire County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference Mr O Moyle and Mr W H Williams claimed to be the freehold owners of the land in question and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Welshpool on 9 December 1976.

Mr J H Parsons of Messrs Humphreys and Parsons appeared for Mr Moyle and Mr Williams.

Mr Moyle gave evidence that he purchased his farm from a Mr Davy in 1954 and that the hill (the land in question) was then open and that only he and Mr Williams used the hill for grazing and that shortly after they fenced the whole hill except a small portion northwest of the road at the northwest corner. Thereafter he and Mr Williams used the hill together and they had ploughed and reseeded it.

Mr Williams gave evidence confirming the evidence of Mr Moyle. He himself had ploughed and reseeded about 8 acres. There were gates across the road at each end of the land in question. The small unfenced parcel northwest of the road was $2\frac{1}{2}$ acres and he and Mr Moyle were the only persons who had used that land. The register map shows the road as coming to an end on the west boundary and continuing as a footpath across the land in question. The road has now been extended across the land and I am satisfied that the unfenced $2\frac{1}{2}$ acres has always been part of this common.

On this evidence I am satisfied that Mr O Moyle and Mr W H Williams are the owners of the land, and I shall accordingly direct the Powys County Council, as registration authority, to register Mr O Moyle and Mr W H Williams as the owners of the land under section 8(2) of the Act of 1965.



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 14th day of January

1977

G A Little

Commons Commissioner