



COMMONS REGISTRATION ACT 1965

Reference No. 276/D/315-316

In the Matter of Tract of land to the  
south west of River Wye, Llangurig

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DECISION

These disputes relate to the registration at Entry No. 1 in the Land Section and Entry No. 2 in the Rights Section of Register Unit No. CL 109 in the Register of Common Land maintained by the Powys County Council and are occasioned by Objection No. 184 and No. 172 made by the Corporation of Birmingham and noted in the Register respectively on 26 June 1972 and 11 April 1972.

I held a hearing for the purpose of inquiring into the dispute at Welshpool on 9 December 1980. The hearing was attended by Mr H J Cave of the Registration Authority, but no other persons attended.

The registration in the Land Section was made on the application of the Ramblers Association. There are two Entries in the Rights Section, No. 1 a right of grazing over part of the land ("Part A") registered on the application of the Corporation of Birmingham, No. 2 a right of piscary in the tributaries of the River Elan passing through the land, registered on the application of Rhayader Parish Council. In the Ownership Section, the Corporation of Birmingham is registered as owner of Part A. The land comprised in the Register Unit consists of Part A and a comparatively small area ("the northern strip") lying to the north of and separated from Part A.

Objection No. 184 relates to a small section of Part A at its southern end, the ground of the objection being that that section was not common land at the date of registration. Objection No. 172 is on the ground that the right claimed does not exist. I understand that the Welsh Water Authority has succeeded to the interests of the Corporation of Birmingham.

Requests have been signed by the relevant parties for refusal of the confirmation of the registration as common land and there is a separate request to refuse to confirm the registration in the Rights Section. Although, as I have said, Objection No. 184 relates only to a small section of Part A, the request as I read it is for refusal to confirm the whole registration in the land section, not simply to exclude the small section from the Register Unit. Since all the parties concerned have so requested, I propose to accede to the request and to refuse to confirm the registrations.

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

9 February

1981

*L. J. Morris Smith*

Commons Commissioner