



COMMONS REGISTRATION ACT 1965

Reference No. 276/U/81

In the Matter of Tracts of land in the
Parishes of Llandinam and Mochdre

DECISION

This reference relates to the question of the ownership of the land described above being the part of the land comprised in the Land Section of Register Unit No. CL 114 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 a number of claims to ownership of different parts of the land in question ("the Unit land") were made.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Welshpool on 3 June 1980. The tracts which make up the Unit land are not contiguous: there are five separate claimants to different parts, but none of the claims are in conflict.

(1) I will deal first with the tract lying to the east of Cnydfa. The western section of this tract is on the Register map divided into three areas marked respectively 'A', 'B' and 'C'.

(a) The area marked A ("the A area") is claimed by Mr W C G Davies and Mrs G A Davies, for whom Mr J Hollis, Solicitor, appeared at the hearing. By a Conveyance dated 25 February 1941 ("the 1941 Conveyance") there was conveyed to M H D I Harries freehold farms in the Parish of Llandinam which as appears from the plan on the Conveyance included the A area. Before his death in 1972, M H D I Harries had changed his name to Harries-Beadnell and by a Conveyance dated 12 September 1979 a farm and lands which included the A area were conveyed by his personal representatives, Mrs M F Harries-Beadnell and Mr P F Pigott, to the claimants Mr and Mrs Davies. On this evidence I am satisfied that they are the owners of the A area.

(b) The areas marked 'B' and 'C' ("the B and C areas") are claimed by Mrs M F Harries-Beadnell, who was represented at the hearing by the Agent of her Llandinam Estate, Mr W B Evans. These areas were included in the 1941 Conveyance and after Mr Harries-Beadnell's death vested in his personal representatives Mrs Harries-Beadnell and Mr P F Pigott. Mr Evans stated that he had managed the Estate for some ten years and that the B and C areas are let to tenants from whom he receives the rents, for which he accounts to Mrs Harries-Beadnell. As regards the legal title, it appears that the ownership is in Mrs Harries-Beadnell and Mr Pigott as personal representatives of Mr Harries-Beadnell, not in Mrs Harries-Beadnell solely, and I shall direct



registration of them as owners accordingly.

(c) To the east of the C area is a section ("the Graig area") named Graig on the Register map, which is claimed by Mr D S Powell, for whom Mr D T Lloyd, Solicitor, appeared. The Graig area was included in property purchased by the Claimant's father Mr D C Powell in 1955 and conveyed to him by a Conveyance dated 12 August 1955. By a Deed of Gift dated 15 April 1965 the same property was conveyed by Mr D C Powell to the claimant.

Mr D S Powell, the Claimant, gave evidence and said that he had occupied the property since it was given to him by his father. On this evidence I am satisfied that he is the owner of the Graig area.

(3) There is a tract, part of Allt-y-Moch, marked 'D' on the Register map, the north-eastern boundary of which is marked by a red line. Ownership of the strip of land ("the Davies Strip") adjoining and lying to the north-east of this boundary is claimed by the Hon. I E E Davies, for whom Mr C Tomley, Solicitor, appeared. This strip was included in property conveyed by a Conveyance dated 25 November 1946 to Lady Davies and Norman B Foot, and conveyed by them by a Conveyance dated 7 July 1948 to the Claimant, who I am satisfied on the evidence is the owner.

(4) There is a further tract known as Waunlluestowain, part of which ("the ESN area") lying in the north eastern section of the tract, is claimed by Electricity Supply Nominees Ltd, for whom Mr W D Cooke, Solicitor, appeared at the hearing.

The ESN area, comprising some 110.000 acres, consists of part of No. 1259 on the 1902 (2nd Edition) O.S. map. There were three Conveyances dated respectively 20 August 1947, 25 August 1953 and 23 November 1962 of different parcels to W V Pryce. The 1947 Conveyance was of property which included O.S. No. 1259 pt. of 54 acres: the 1953 Conveyance was of O.S. No. 1259 pt. comprising $7\frac{1}{2}$ acres: and the 1962 Conveyance was of O.S. No. 1259 pt. of some 43 acres. These three parcels were (with other property) vested in W V Pryce and his wife by a Conveyance dated 22 February 1968, and in connection with a sale by them in 1973 a Statutory Declaration was made by W V Pryce on 14 November 1973, identifying them on a plan exhibited to the Declaration, stating that on a recent survey their aggregate area was some 110 acres and deposing to undisturbed possession since the respective dates of the three Conveyances, the whole area (ie. the ESN area) having been fenced off since 1962. By a Conveyance dated 26 November 1973 W V Pryce and his wife conveyed land which included the ESN area to Matthews Wightson Land Ltd and that company by a Conveyance dated 23 December 1976 conveyed land including the ESN area to the Claimants, Electricity Supply Nominees Ltd. On this evidence I am satisfied that the Claimants own the ESN area.

In the result I shall direct the Powys County Council as registration authority, to register under Section 8(2) of the Act of 1965 the respective Claimants (in the case of the B and C areas, Mrs Harries-Beadnell and Mr Pigott) as owners of the respective areas referred to above. As to the remainder of the Unit land of which no person is registered as owner, in the absence of any evidence I am not satisfied that any person is the owner and it will therefore remain subject to protection under section 9 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

28 July

1980

L. J. Morris Smith

Commons Commissioner