



COMMONS REGISTRATION ACT 1965

Reference No. 276/D/446-453

In the Matter of Waen Garno (including Esgair Drain-
llywn and Bryn-yr-Aren) in the Parishes of Carno
and Llanbrynmair

DECISION

These disputes relate to the registrations in the three sections of Register Unit No. CL 8 in the Register of Common Land maintained by the Powys County Council. As to the Land and Rights Sections they are occasioned by two objections (1) No. 1 made by T F Thomas (2) No. 2 made by E M Jones, both noted in the Register on 26 June 1972. As to the Ownership Section, they are occasioned by the conflicting registrations between Entry No. 1 and Entries No. 2 and No. 3 respectively.

I held a hearing for the purpose of inquiring into the dispute at Welshpool on 11 December 1980. Of the Objectors, Mr T F Thomas was the applicant for registration at Entry No. 2 in the Ownership Section and Mr E M Jones the applicant for registration at Entry No. 3; Mr Jones's successors are Mr Breeze and Mr T H Thomas. At the hearing Mr J Hollis, Solicitor, appeared on behalf of Mr T F Thomas and Mr Jones's successors.

As regards the Land Section, registration was made by the Registration Authority without application. Both objections relate to two areas of the land which are marked A and B on the register map: ownership of area A is claimed by Mr T F Thomas (Entry No. 2) and of area B by Mr Jones's successors (Entry No. 3).

The Registration Authority (represented at the hearing by Mr H J Cave) do not oppose the objections in relation to the Land Section. As regards the Rights holders, except in the case of ~~Entry~~ Nos. 17, 27 and 28 in the Rights Section, the rights claimed do not extend to areas A and B. The applicant for registration at Entry No. 17, J G Humphreys, has written to say he withdraws his registration so far as it applies to the two areas, and Entry Nos. 27 and 28 are rights registered by the objectors themselves, only over the two areas. In these circumstances areas A and B should, I think, be excluded from the land comprised in the register unit, and I confirm the registration at Entry No. 1 in the Land Section modified with this exclusion: and I confirm the registrations in the Rights Section without modification. (Entries No. 27 and 28 will cease to be effective, the two areas being excluded from the registration).

As regards the Ownership Section, by a letter dated 16 March 1979 Messrs Looke Leathes and Birkerton, Agents for Sir O W Williams Wynne, the applicant for registration at Entry No. 1, withdrew the registration. I shall therefore refuse to confirm that registration; the registrations at Entries No. 2 and No. 3, will, with the exclusion of the two areas, cease to have effect.



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

12 January

1981

L. J. Morris Smith

Commons Commissioner