

COMMONS REGISTRATION ACT 1965

Reference No 276/U/43

In the Matter of Tract of land known as Y Clogydd, Llanrhaeadr-ym-Mochnant, Montgomery D

DECISION

This reference relates to the question of the ownership of land known as

Y Clogydd, Llanrhaeadr-ym-Mochnant, Montgomery D
being the land comprised in the Land Section of Register Unit No CL. 35(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 E M Jones claimed to be the freehold owner 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 Edwards of Messrs Longueville & Co appeared for Mr E M Jones. Mr E M Jones gave evidence that he and a neighbour agreed about 18 or 19 years ago to fence out two sheepwalks and thereafter started fencing between each other. The boundary agreed between them was fixed by reference to two water courses which together are the West Boundary except for a small part between the two water courses. Mr E M Jones has owned his farm Tyglas since 1956 and had been in occupation five years before that date. Mr Jones had ploughed a few acres and he has claimed grazing rights over the land in question which are final. The larger area comprising the land in question and the land of Mr Evans on the west has been fenced and west of the land in question since 1911.

As regards the small portion of land comprised in this unit separate from, and to the south of, the large portion, Mr Jones said he was told by his landlady and also by a neighbour, had always been part of Tyglas and he had as the owner of Tyglas always had exclusive occupation of that land.

On this evidence I am satisfied that Mr E M Jones is the owner of the land, and I shall accordingly direct the Powys County Council, as registration authority, to register Mr E M Jones as the owner 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 21st day of February

1978

Commons Commissioner

L. A. lettle