



CHAPTER cxxx.

An Act to continue for a limited period the powers of the Arbitrator under the Epping Forest Act, 1878, and to amend that Act. A.D. 1880.
[6th August 1880.]

WHEREAS by the Epping Forest Act, 1878, an arbitrator is appointed for the purposes of that Act, with the powers therein mentioned, and by section eighteen of that Act it is enacted as follows:— 41 & 42 Vict.
c. ccxiii.

The arbitrator shall “within one year after the passing of this Act, or within such enlarged time; not exceeding two years from the passing of this Act, as he from time to time by writing under his hand, with the consent of the Lord Chancellor, appoints, settle and determine the matters and questions referred to him, and make and deliver an award or awards finally disposing thereof”:

And whereas the Epping Forest Act, 1878, passed on the eighth day of August one thousand eight hundred and seventy-eight, and the arbitrator has proceeded with the settlement and determination of the matters and questions referred to him, and by writing under his hand, with the consent of the Lord Chancellor, enlarged the time to two years from the passing of the said Act: 41 & 42 Vict.
c. ccxiii.

And whereas it is expedient to give further time for the said purposes, and to make such further provision as herein-after appearing respecting Epping Forest:

Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Epping Forest Act, 1880, and together with the Epping Forest Act, 1878, may be cited as the Epping Forest Acts, 1878 and 1880. Short title.
41 & 42 Vict.
c. ccxiii.

2. Section eighteen above recited of the Epping Forest Act, 1878, shall be construed as if three years were therein substituted for one year, and four years for two years. Prolongation
of time for
completion
of arbitra-
tor’s duties.

A.D. 1880.

Record of
result of
arbitration.41 & 42 Vict.
c. ccxiii.Power as to
exchange
within
limited
period of
parts of
Epping
Forest.41 & 42 Vict.
c. ccxiii.41 & 42 Vict.
c. ccxiii.

3. When the arbitrator makes his final or last award he shall authenticate by his signature a map in triplicate showing the open waste lands of Epping Forest as finally settled by his award or awards, and the lands so shown shall, from and after the deposit, as required by this Act, of such map, be deemed to be lands subject to be regulated and managed by the Conservators under the Epping Forest Act, 1878, and this Act.

The said map shall also show those portions of the inclosed waste lands of Epping Forest which have been quieted in title by any award, order, or certificate of the arbitrator.

4.—(1.) Where it is represented to the arbitrator by the Conservators of Epping Forest that the exchange of any part of Epping Forest which is subject to be regulated and managed by the Conservators of Epping Forest for any other land will be beneficial to the public, and the owner of such other land assents to the exchange, and the arbitrator is satisfied that the proposed exchange, with or without modification, will be beneficial to the public and such owner, he may by an award order such exchange, either without modification or with such modifications agreed to by the Conservators and the owner as he thinks necessary or proper to make the exchange beneficial to the public and the owner.

(2.) Before making the award such notices of the proposed exchange shall be given by the Conservators as the arbitrator directs, for the purpose of giving public information of the proposal, and particularly information to the owners and occupiers of land lying within any of the forest parishes.

(3.) Sections sixteen to twenty-two (both inclusive) of the Epping Forest Act, 1878, (which relate to "*arbitration*,") shall, so far as is consistent with the tenor thereof, apply in like manner as if the application, proceeding, and award under this section were under the Epping Forest Act, 1878.

(4.) The award may authorise the payment of any money or the creation of any rentcharge for the purpose of effecting equality of exchange, and may provide for the priority and recovery of such rentcharge.

(5.) All land acquired by the Conservators upon any exchange shall be deemed to be part of the open waste lands of Epping Forest, and be subject accordingly to be regulated and managed by the Conservators, and all land given by the Conservators upon any exchange shall be and enure to, for, and upon the same uses, trusts, intents, and purposes, and be subject to the same tithe, tithe rentcharge, conditions, charges, and incumbrances, as the land given to the Conservators on such exchange

would have stood limited or been subject to in case the award ordering the exchange had not been made; and, subject to the award, shall have appurtenant to it the same right of common or other right, if any, as was appurtenant to the land given to the Conservators on such exchange; and the exchange shall be valid to all intents, notwithstanding any defect of estate or title on the part of the Conservators or of the owner of the land given in exchange; and if the land given to the Conservators in exchange is copyhold or customary land, the land given by the Conservators shall be held of the lord of the same manor under the same rent, custom, and service as the copyhold or customary land given to the Conservators was or ought to have been held without any new admittance.

(6.) An award under this section shall refer to a map in triplicate which shall be authenticated by the signature of the arbitrator.

(7.) Any money paid to or by the Conservators for equality of exchange shall be paid as capital to or out of the Epping Forest Fund, and such expenses incurred with respect to any exchange as are borne by the Conservators may be paid out of the income of that fund. Any difference which arises with reference to such expenses shall be determined by the arbitrator.

(8.) For the purpose of this section—

The expression "land" includes any incorporeal as well as corporeal hereditaments and any undivided share thereof.

The expression "owner" in relation to any land means any person or corporation who, under the provisions of the Lands

8 & 9 Vict
c. 18.

5. If upon any exchange the Conservators acquire any buildings or ornamental inclosed lands they shall have power from time to time to maintain the same and the appurtenances thereof, and the Conservators shall make proper provision for securing the enjoyment thereof by the public for exercise and recreation at all reasonable times during the day, and for the access of the commoners' cattle to such parts of the land as are suitable for the depasturage of cattle.

Provision
as to in-
closed land
acquired on
exchange.

The Conservators also may from time to time make byelaws under section thirty-six of the said Act for regulating the use of the said buildings and lands, and prescribing the times, places, and conditions at and under which the same or any parts thereof are to be used.

6. The arbitrator shall have authority to determine the amount, nature, and application of the compensation for any rights of any

Power of
arbitrator as
to rights in
Loughton.

A.D. 1880. — class of persons in the manor and parish of Loughton, other than the right of pasture and pannage, and section twenty-seven of the Epping Forest Act, 1878, shall apply to those rights as if they had been specified in the First Schedule to that Act.

Provisions
as to
enforcing
conditions
in award.

41 & 42 Vict.
c. ccxiii.

7. Where, in pursuance of the Epping Forest Act, 1878, the arbitrator quiets in title any land on the conditions affecting the future use of the land which are specified in any award or order, those conditions shall be annexed to the land for ever, and be binding on every person having or acquiring any estate or interest in that land; and the arbitrator may by award or order provide for enforcing those conditions by forfeiture, action, entry upon the land, restoration of it to its former state, and payment of compensation, or by any of such modes, or otherwise in such mode as is specified in the award or order, and may by award or order provide for the recovery from the person committing or permitting any breach of the said conditions, or by means of a charge on the land, or otherwise as specified in the award or order, of all expenses of or incidental to preventing or remedying any breach of the said conditions, or to otherwise carrying into effect the provisions of the award or order for enforcing those conditions.

The arbitrator may also by award or order provide for the severance, in the event of the subdivision of the said piece of land, of the conditions applicable thereto, and for the application to each sub-division of the provisions of the award or order.

Deposit and
copies of
maps.

41 & 42 Vict.
c. ccxiii.

8. Every map authenticated in pursuance of this Act shall be deemed to be part of an award of the arbitrator, and shall be dealt with in manner provided with respect to an award by section nineteen of the Epping Forest Act, 1878, and that section shall apply accordingly in like manner as it applies to an award.

Amendment
of
41 & 42 Vict.
c. ccxiii.,
Fourth
Schedule,
with respect
to the elec-
tion of
verderers.

9. The requirement of Article twelve of the Fourth Schedule to the Epping Forest Act, 1878, that the elections for the northern and southern forest parishes are to be held on different days, shall be construed to apply to the polling day only, and the meeting for nomination at any such election may be held on the same day.

Nothing in Article twenty-one of the said Fourth Schedule shall be deemed to require the returning officer to fix a polling place in the parish of Epping in the case of an election for the southern forest parishes.