

ELIZABETH II



1971 CHAPTER 47

An Act to abolish certain rights of Her Majesty to wild creatures and certain related rights and franchises; to abrogate the forest law (subject to exceptions); and to repeal enactments relating to those rights and franchises and to forests and the forest law; and for connected purposes. [1st July 1971]

BE IT 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.—(1) There are hereby abolished—

- (a) any prerogative right of Her Majesty to wild creatures (except royal fish and swans), together with any prerogative right to set aside land or water for the breeding, support or taking of wild creatures; and
- (b) any franchises of forest, free chase, park or free warren.

Abolition of certain rights of the Crown to wild creatures, and certain related rights and franchises.

(2) The forest law is hereby abrogated, except in so far as it relates to the appointment and functions of verderers.

(3) Any right of common originating in the forest law shall be free of restriction by reason of the fence month or the winter heyning or any payment in place of it, but the foregoing provision shall not affect the suspension or exclusion of any such right for the time being effected by or under any enactment or any limitations or restrictions for the time being imposed by or under any enactment on the exercise of any such right.

(4) The enactments mentioned in the Schedule to this Act (being enactments which, or parts of which, are made unnecessary

by subsections (1) and (2) above or, apart from those subsections, are no longer of practical utility) are hereby repealed to the extent specified in the third column of that Schedule.

(5) Except as provided by subsection (3) above, no existing right of common or pannage originating in the forest law shall be affected by the abrogation of the forest law or by the repeal by this section of any enactment giving or confirming that right.

1667 c. 8. (6) Notwithstanding the abrogation by this section of the forest law or the repeal by this section of the Dean Forest Act 1667, verderers in the Forest of Dean shall continue to be elected and hold office as at the passing of this Act.

(7) The repeal by this section of section 13 of the Act 1 & 2 Geo. 4. c. 52 (powers of purchasers of forestal or other rights held in right of the Duchy of Lancaster) shall not affect the operation of that section in relation to any existing power to depute or appoint gamekeepers.

Short title
and extent.

2.—(1) This Act may be cited as the Wild Creatures and Forest Laws Act 1971.

1828 c. 69.

(2) The partial repeal by this Act of section 2 of the Night Poaching Act 1828 extends to Scotland, but except as aforesaid this Act does not extend to Scotland.

1920 c. 67.

(3) This Act extends to Northern Ireland and shall, as respects matters within the powers of the Parliament of Northern Ireland, be subject to alteration by that Parliament as if it had been an Act passed before the day appointed for the purposes of section 6 of the Government of Ireland Act 1920.

SCHEDULE

Section 1.

ENACTMENTS REPEALED

Statute, etc.	Title, short title or subject	Extent of repeal
25 Edw. 1. (1297).	The Charter of the Forest.	The whole statute, so far as unrepealed.
25 Edw. 1. (1297).	(Confirmation of the Charters).	In chapter 1, the words " and the Charter of the Forest ", where first occurring, and the words " and the Charter of the Forest for the wealth of our realm ".
33 Edw. 1. (1305).	An Ordinance of the Forest.	The whole statute.
34 Edw. 1. (1306).	An Ordinance of the Forest.	The whole statute, so far as unrepealed.
[Of uncertain date.]	The Customs and Assise of the Forest.	The whole statute.
1 Edw. 3. Stat. 2. (1327).	(Botes in forest).	Chapter 2.
25 Edw. 3. Stat. 5. (1351).	(Limit on demand of puture in forest).	Chapter 7.
7 Hen. 4. (1405).	(Confirmation of Liberties).	The words " and the Charter of the Forest ".
4 Hen. 5. Stat. 2. (1416).	(Confirmation of Charters and Statutes).	The words " and the Charter of the Forest ".
27 Hen. 8. c. 7. (1535).	An Act for the abuses in the forests of Wales.	The whole Act.
16 Chas. 1. c. 16.	The Delimitation of Forests Act 1640.	The whole Act.
19 & 20 Chas. 2. c. 8.	The Dean Forest Act 1667.	The whole Act, so far as unrepealed.
9 Will. 3. c. 33.	The New Forest Act 1697.	The whole Act.
39 & 40 Geo. 3. c. 86.	The New Forest Act 1800.	The whole Act.
41 Geo. 3. (U.K.) c. 108 (1801).	An Act for enabling His Majesty to grant commissions for executing an Act made in the 39th and 40th years of the reign of His present Majesty, intituled An Act for the better preservation of timber in the New Forest in the county of Southampton, and for ascertaining the boundaries of the said forest, and of the lands of the Crown within the same.	The whole Act.
48 Geo. 3. c. 72.	The Dean and New Forests Act 1808.	The preamble. Sections 1 and 2. In section 3 the words from the beginning to " be it enacted that "; the words

Statute, etc.	Title, short title or subject	Extent of repeal
		<p>“ and New Forest respectively ”; the words “ in the said forests respectively ” in both places; the words “ and six thousand acres in the New Forest ”, in both places; the words from “ and the quantities, butts and boundaries ” to “ of record for ever ”; and the words “ the said recited Acts and, ” in both places. In section 4 the words from “ the lord high treasurer ” to “ shall determine that ”; and the words “ the said recited Acts or ”.</p> <p>Sections 5 and 7. The whole Act.</p>
50 Geo. 3. c. 116 (1810).	An Act to extend and amend the terms and provisions of an Act of the 39th and 40th years of His present Majesty for the better preservation of timber in the New Forest in the county of Southampton, and for ascertaining the boundaries of the said forest, and of the lands of the Crown within the same.	
50 Geo. 3. c. ccxviii (1810).	An Act for disafforesting the forest of South, otherwise East Bere otherwise Bier, in the county of Southampton, and for inclosing the open commonable lands within the said forest.	The whole Act, so far as unrepealed.
52 Geo. 3. c. 71 (1812).	An Act for the better cultivation of navy timber in the forest of Woolmer, in the county of Southampton.	The whole Act, so far as unrepealed.
52 Geo. 3. c. 72 (1812).	An Act for the better cultivation of navy timber in the forest of Alice Holt in the county of Southampton.	The whole Act, so far as unrepealed.
52 Geo. 3. c. clxxi (1812).	An Act for disafforesting the forest of Parkhurst in the county of Southampton, and for inclosing the open commonable lands within the said forest.	The whole Act, so far as unrepealed.

Statute, etc.	Title, short title or subject	Extent of repeal
53 Geo. 3. c. 158 (1813).	An Act for vesting in His Majesty certain parts of Windsor Forest in the county of Berks; and for inclosing the open commonable lands within the said forest.	The whole Act, except sections 75 to 79 and 89.
55 Geo. 3. c. 122 (1815).	An Act to amend an Act of the 53rd year of His present Majesty, for vesting in His Majesty certain parts of Windsor Forest, in the county of Berks; and for inclosing the open commonable lands within the said forest.	The whole Act.
55 Geo. 3. c. 138 (1815).	An Act for vesting in His Majesty certain parts of the forest of Exmoor in the counties of Somerset and Devon; and for inclosing the said forest.	The whole Act, so far as unrepealed.
55 Geo. 3. c. 190 (1815).	An Act to amend an Act made in the 48th year of His present Majesty, to improve the land revenue of the Crown, so far as relates to the Great Forest of Brecknock in the county of Brecknock; and for vesting in His Majesty certain parts of the said forest; and for inclosing the said forest.	The whole Act, so far as unrepealed.
56 Geo. 3. c. 132 (1816).	An Act for enlarging the time for making the award respecting His Majesty's allotments under an Act of the 53rd year of His present Majesty, for inclosing Windsor Forest; and for extending the provisions of the said Act.	The whole Act.
58 Geo. 3. c. 99 (1818).	An Act for altering and amending an Act made in the 55th year of His present Majesty, to amend an Act made in the 48th year of His present Majesty, to improve the land revenue of the Crown, so far as relates to the	The whole Act.

Statute, etc.	Title, short title or subject	Extent of repeal
58 Geo. 3. c. 100 (1818).	Great Forest of Brecknock, in the county of Brecknock; and for vesting in His Majesty certain parts of the said forest; and for inclosing the said forest. An Act for vesting in His Majesty certain parts of the Hayes of Birkland and Bilhagh, and of certain commonable lands and open uninclosed grounds in the township of Edwinstowe, within the forest of Sherwood, in the county of Nottingham.	The whole Act.
59 Geo. 3. c. 86 (1819).	An Act for regulating the exercise of the right of common of pasture in the New Forest, in the county of Southampton, for repealing certain parts of two Acts passed in the 39th and 40th and the 52nd years of His present Majesty; and for the better collection and recovery of the gale rents in the forest of Dean, in the county of Gloucester.	Sections 1 to 6.
1 & 2 Geo. 4. c. 52 (1821).	An Act to improve the land revenues of the Crown, and of His Majesty's Duchy of Lancaster, and for making provisions and regulations for the better management thereof.	Sections 12 and 13.
5 Geo. 4. c. 99 (1824).	An Act for dividing, allotting and inclosing that portion of the forest of Whittlewood called Hasleborough Walk in the parish of Whitfield and liberties or precincts of Silston otherwise Silverston otherwise Silveston Burnham in the county of Northampton, and of the open fields of Silston otherwise Silverston otherwise Silveston Burnham aforesaid.	The whole Act.

Statute, etc.	Title, short title or subject	Extent of repeal
6 Geo. 4. c. 132 (1825).	An Act for dividing, allotting, and inclosing the forest of Salcey, in the counties of Northampton and Buckingham; and of certain lands in the parish of Hartwell in the said county of Northampton.	The whole Act.
9 Geo. 4. c. 69.	The Night Poaching Act 1828.	In section 2, the words from "or for any person" to the words "free chase thereon".
10 Geo. 4. c. 50.	The Crown Lands Act 1829.	The whole Act, so far as unrepealed.
1 & 2 Will. 4. c. 32.	The Game Act 1831.	<p>In section 8 the words "of any lord or owner of any forest, chase or warren".</p> <p>Section 9 from "nor the rights" where first occurring onwards.</p> <p>In section 31 the words "or upon any of His Majesty's forests, parks, chases or warrens," and the words from "or for the warden" to "warren" where next occurring.</p> <p>In section 32 the words "or in any of His Majesty's forests, parks, chases or warrens".</p> <p>Section 33.</p> <p>In section 35 the words from "nor to any person" to "free chase," where last occurring.</p> <p>In section 36 the words "or in any of His Majesty's forests, parks, chases or warrens", the words from "for any officer" to "warren or," and the words "forest, park, chase or warren," where last occurring.</p>
6 & 7 Will. 4. c. 3 (1836).	An Act for vesting the office of constable of the castle of St. Briavel's in the First Commissioner of His Majesty's Woods, Forests, Land Revenues, Works and Buildings; and for vesting the office of keeper of the forest of Dean in the	The whole Act.

Statute, etc.	Title, short title or subject	Extent of repeal
	county of Gloucester in the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works and Buildings.	
1 & 2 Vict. c. 42.	The Dean Forest (Encroachments) Act 1838.	The whole Act, so far as unrepealed.
5 & 6 Vict. c. 65.	The Dean Forest Act 1842.	The whole Act.
7 & 8 Vict. c. 13 (1844).	An Act to extend until the 1st day of January 1845, and to the end of the then next session of Parliament the time within which conveyances may be made on behalf of the Crown of and disputes settled with regard to encroachments in the forest of Dean.	The whole Act.
12 & 13 Vict. c. 81 (1849).	An Act to authorise Her Majesty to issue a Commission to inquire into and report upon rights or claims over the New Forest in the county of Southampton and Waltham Forest in the county of Essex.	The whole Act.
14 & 15 Vict. c. 43 (1851).	An Act for disafforesting the forest of Hainault in the county of Essex.	The whole Act, so far as unrepealed.
14 & 15 Vict. c. 76.	The New Forest Act 1851.	The whole Act, so far as unrepealed.
16 & 17 Vict. c. 36.	The Whichwood Disafforesting Act 1853.	The whole Act, so far as unrepealed.
16 & 17 Vict. c. 42.	The Whittlewood Disafforesting Act 1853.	The whole Act, so far as unrepealed.
17 & 18 Vict. c. 49 (1854).	An Act for the settlement of claims upon and over the New Forest.	The whole Act.
18 & 19 Vict. c. 46 (1855).	An Act for disafforesting the forest of Woolmer.	The whole Act, so far as unrepealed.
19 & 20 Vict. c. 32.	The Whichwood Disafforesting Amendment Act 1856.	The whole Act.
21 & 22 Vict. c. 37.	The Hainault Forest (Allotment of Commons) Act 1858.	The whole Act.
24 & 25 Vict. c. 40 (1861).	An Act to make further provision for the management of Her Majesty's forest of Dean, and of the mines and quarries therein and in the hundred of Saint Briavel's in the county of Gloucester.	Section 25.

Statute, etc.	Title, short title or subject	Extent of repeal
29 & 30 Vict. c. 70 (1866).	An Act to extend the provisions for the inclosure, exchange and improvement of land in certain portions of the forest of Dean called Walmore Common and the Bearce Common, and for authorising allotments in lieu of the forestal rights of Her Majesty in and over such commons.	The whole Act, so far as unrepealed.
33 & 34 Vict. c. viii.	The Abbot's Wood (Dean Forest) Act 1870.	The whole Act, except section 9.
34 & 35 Vict. c. 93.	The Epping Forest Act 1871.	The whole Act.
35 & 36 Vict. c. 95.	The Epping Forest Amendment Act 1872.	The whole Act.
36 Vict. c. 5.	The Epping Forest Act 1873.	The whole Act.
38 Vict. c. 6.	The Epping Forest Act 1875.	The whole Act.
40 & 41 Vict. c. cxxi.	The New Forest Act 1877.	Section 5. In section 9, the words from the beginning to "winter heyning", where first occurring, and the words from "If default" onwards. Sections 10 to 12. In section 23(4) the words "purprestures" and "purpresture".
46 & 47 Vict. c. lxxxvi.	The New Forest Highways Act 1883.	The whole Act.
46 & 47 Vict. c. lxxxvii.	The East and West Dean (Highways) Act 1883.	The whole Act.
2 Edw. 7. c. cxviii.	The New Forest (Sale of Lands for Public Purposes) Act 1902.	The whole Act.
6 Edw. 7. c. cxix.	The Dean Forest Act 1906.	Section 1.
5 & 6 Eliz. 2. c. 56.	The Housing Act 1957.	Section 102.
8 & 9 Eliz. 2. c. 36.	The Game Laws (Amendment) Act 1960.	In section 2(1) the words "or section thirty-three". Section 5(2).
9 & 10 Eliz. 2. c. 55.	The Crown Estate Act 1961.	In Schedule 2, paragraph 2(a).

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