



New Forest Act 1949

1949 CHAPTER 69 12 13 and 14 Geo 6

9 Byelaws and marking fees.

- (1) The matters as to which under section twenty-five of the Act of 1877 the verderers may make, alter, add to or repeal byelaws shall include—
- (a) general measures for maintaining the health of animals at large in the Forest;
 - (b) the fixing, as respects the number of animals, or animals of any description, which may be depastured in the Forest by virtue of a right of common, of such limits as may be specified by or under the byelaws;
 - (c) the application to animals entitled to be in the Forest otherwise than by virtue of a right of common of the same provisions for marking and control as apply to animals entitled to be there by virtue of such a right;
 - (d) the varying of the payments specified in paragraph 2 of the First Schedule to the Act of 1877 in respect of the marking of animals and in respect of pigs turned out in pannage time;
 - (e) the removal of animals from the Forest where by reason of their behaviour it is inexpedient that they should be allowed to be at large therein;
 - (f) provisions for securing the ringing of pigs at large in the Forest.
- ^{x1}(2) The power of the verderers under section two of the New Forest Act, 1879, to allow cattle and other animals belonging to persons not being commoners to depasture in the Forest shall include power to allow to depasture therein cattle and other animals belonging to commoners in excess of the number limited by virtue of byelaws under paragraph (b) of subsection (1) of this section; and accordingly in the said section two after the word “belonging” there shall be inserted “to commoners in excess of the number they are entitled to depasture by virtue of their rights of common or belonging”.
- ^{x1}(3) The power of the verderers under paragraph (3) of section twenty-three of the Act of 1877 to levy sums from the commoners by means of marking fees shall extend to all persons owning animals entitled to be in the Forest; and accordingly the said paragraph (3) shall have effect as if, for the words from “such sums” to the end, there were substituted the words “by means of a rate and payments not exceeding the scales specified in the First Schedule hereto, and to levy from all other persons owning cattle (including horses, donkeys, and mules), sheep and pigs entitled to be in the Forest

Changes to legislation: There are currently no known outstanding effects for the New Forest Act 1949, Section 9. (See end of Document for details)

by means of such payments as aforesaid, such sums as the verderers may require for paying the expenses of and incidental to the carrying into effect of their duties as verderers”.

- (4) Byelaws made in the exercise of the power conferred by paragraph (d) of subsection (1) of this section may fix different rates of payment for different cases, and in particular may fix one rate in respect of animals depastured by virtue of a right of common and animals belonging to tenants of land vested in the Minister which are depastured by virtue of a licence granted on behalf of the Minister, and a higher rate in respect of other animals.
- (5) Byelaws made under section twenty-five of the Act of 1877 after the commencement of this Act, and any alteration, addition or repeal made after the commencement of this Act of or to byelaws under that section, whenever they were made, shall be of no effect until confirmed by order of the Minister.

Editorial Information

- X1** The text of ss. 9(2)(3), 10, 22 and Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

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