

1990 No. 1202

NEW FOREST

**The New Forest (Confirmation of Byelaws of the
Verderers of the New Forest) Order 1990**

Made - - - - - *4th June 1990*

Coming into force *1st July 1990*

Whereas the byelaws set out in the Schedule hereto have been made by the Verderers of the New Forest in exercise of the powers conferred on them by section 25 of the New Forest Act 1877 (a) and upwards of one month before the date of this Order notice of intention to apply for confirmation of those byelaws has been given by the Verderers in the manner prescribed by that section:

Now, therefore, the Minister of Agriculture, Fisheries and Food, in exercise of the power conferred on him by section 9(5) of the New Forest Act 1949 (b), and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the New Forest (Confirmation of Byelaws of the Verderers of the New Forest) Order 1990, and shall come into force on 1st July 1990.

(2) The New Forest (Confirmation of Byelaws of the Verderers of the New Forest) Orders 1978 and 1981 (c) and this Order may be cited together as the New Forest (Confirmation of Byelaws of the Verderers of the New Forest) Orders 1978 to 1990.

Confirmation of byelaws

2. The byelaws set out in the Schedule hereto and made by the Verderers of the New Forest in exercise of their hereinbefore recited powers are hereby confirmed.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 4th June 1990.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

(a) 1877 c.cxxi; section 25 was extended by section 9 of the New Forest Act 1949 (c.69) and amended by section 12 of the New Forest Act 1964 (c.83).

(b) 1949 c.69.

(c) S.I. 1978/1277, 1981/550.

THE SCHEDULE

The byelaws confirmed by the New Forest (Confirmation of Byelaws of the Verderers of the New Forest) Order 1978 shall be further amended as follows:-

1. In byelaw 1(1), the definition of "licence" shall be deleted and for the definition of "Commoner" there shall be substituted the following definition:

""Commoner" means a person owning animals entitled to be in the Forest;"

2. For byelaw 4 there shall be substituted the following byelaw:

"4. No person shall cause or allow any horse, cattle, sheep or pig to roam at large or be depastured in the Forest unless such animals are entitled to be in the Forest by virtue of a right of common or a licence granted on behalf of the Minister of Agriculture, Fisheries and Food to a tenant of land in the Forest vested in the said Minister or in pursuance of a licence granted by the Verderers under section 2 of the New Forest Act 1879."

3. In byelaw 5, the words "entitled to turn out animals in the Forest by virtue of a right of common" shall be deleted and for the words "turned out by him" in both places where those words occur there shall be substituted the words "owned by him at large".

4. In byelaw 6(1), after the word "to" where it occurs the second time there shall be inserted the words "roam at large or".

5. In byelaw 7(1), after the word "to" where it occurs the second time there shall be inserted the words "roam at large or".

6. In byelaw 8, after the word "out" there shall be inserted the words "or allow to roam at large".

7. In byelaw 16, after the word "to" where it occurs the first time there shall be inserted the words "roam at large or".

8. In byelaw 17, after the word "to" where it occurs the first time there shall be inserted the words "roam at large or".

9. In byelaw 19, for the word "commoner" there shall be substituted the word "person".

10. In byelaw 23(1), for the figures "4, 6, 13, 15, 17, 20, 22" there shall be substituted the figures "4, 8, 9, 10, 11, 12, 13, 15, 16 and 17".

EXPLANATORY NOTE

(This note is not part of the Order)

By this Order the Minister of Agriculture, Fisheries and Food confirms byelaws made by the Verderers of the New Forest, and brings them into force on

The byelaws amend the principal byelaws of 1978 by—

- (a) providing a new definition of “commoner” in byelaw 1(1);
- (b) deleting from byelaw 1(1) the superfluous definition of “licence”;
- (c) providing a new byelaw 4 to limit the right to depasture animals in the Forest to commoners and holders of an appropriate licence;
- (d) making consequential amendments to byelaw 5 as a result of the new definition of “commoner”;
- (e) extending the scope of byelaws 6(1), 7(1), 8, 16 and 17 (which place restrictions on the depasturing of animals in the Forest) to cover those situations where animals are caused or allowed to roam at large;
- (f) extending byelaw 19 (which prohibits commoners from placing feedstuffs in the Forest except in approved places) to apply to such acts by any person; and
- (g) modifying the provisions in byelaw 23(1) relating to the Verderers’ powers to require the removal from the Forest of animals when certain specified offences have been committed.