



# New Forest Act 1877

1877 CHAPTER cxxi 40 and 41 Vict

An Act to amend the Administration of the Law relating to the New Forest in the County of Southampton; and for other purposes. [23rd July 1877]

## Annotations:

### Modifications etc. (not altering text)

- C1** Act amended as to qualification of elective verderers and electors and holding of elections by [New Forest Act 1949 \(c. 69\), ss. 5, 6](#); excluded by [New Forest Act 1949 \(c. 69\), s. 16\(5\)](#)
- C2** References to Minister of Agriculture, Fisheries and Food under this Act to be construed (W.) as references to Secretary of State: [S.I. 1965/319, arts. 4, 9, 10](#)

## Preliminary

### 1 Short title of Act.

This Act may be cited for all purposes as “The New Forest Act 1877.”

### 2 Short titles. Acts relating to the New Forest.

The Acts mentioned in the first and second columns of the following table are in this Act referred to by the short titles set forth in the third column of the said table in reference to such Acts respectively:—

TABLE OF ACTS.

Year of Act.	Title of Act.	Short Title by which Act referred to in this Act.
9 & 10 Will. III. c. 36., A.D. 1691.	“An Act for the increase and preservation of Timber in the New Forest, in the County of Southampton.”	Act of 1698.

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**Changes to legislation:** There are currently no known outstanding effects for the New Forest Act 1877. (See end of Document for details)

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48 Geo. III. c. 72., A.D. 1808.	“An Act for the increase and preservation of Timber in Dean and New Forest.”	Act of 1808.
14 & 15 Vict. c. 76., A.D. 1851	“An Act to extinguish the Right of the Crown to Deer in the New Forest, and to give Compensation in lieu thereof, and for other Purposes relating to the said Forest.”	Act of 1851.

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### 3 Definition of “Forest” and “Register of common rights.”

“The Forest” means, for the purposes of this Act, the uninclosed lands whereof Her Majesty is seised in her domain as of fee, subject to the rights of commoners therein or thereover, situate within the boundaries of the New Forest in the county of Southampton, including all such lands as may at the commencement of this Act be inclosed in pursuance of any commission issued in pursuance of the Act of 1698, the Act of 1808, and the Act of 1851, or any of such Acts.

“Register of common rights made in pursuance of the <sup>M1</sup> Act of 1854” means the register of the decision of claims of rights of common and other rights in and over the New Forest made by the Commissioners acting under the Act of the session of the seventeenth and eighteenth years of the reign of Her present Majesty, chapter forty-nine, intituled “An Act for the settlement of claims upon and over the New Forest.”

#### Annotations:

#### Marginal Citations

M1 1854 c. 49.

### 4 † “Her Majesty,” “Commissioners of Woods.”

The expression “Her Majesty” includes the heirs and successors of Her Majesty, and the expression “the Commissioners of Woods” means the Commissioners or Commissioner of Her Majesty’s Woods, Forests, and Land Revenues, or such one of them as may for the time being have the management or direction of the New Forest.

#### Annotations:

#### Modifications etc. (not altering text)

C3 Unreliable marginal note

C4 The text of the definition of “the Commissioners of Woods”, now spent, 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

### *Exercise of Right of Inclosure*

*Changes to legislation: There are currently no known outstanding effects for the New Forest Act 1877. (See end of Document for details)*

**Annotations:**

**Amendments (Textual)**

- F1** Ss. 5, 10–12 repealed by [Wild Creatures and Forest Laws Act 1971 \(c. 47\)](#), s. 1, [Sch.](#)

**6 Exercise of rights of Crown within limited area.**

With respect to the lands in the Forest which are at the date of the passing of this Act inclosed, or have previously to such date been inclosed by virtue of any such commission as aforesaid, it shall be lawful for Her Majesty, from time to time, without the issue of any commission, and when and in such manner and as often as to Her Majesty seems meet, to cause any part of such lands to be inclosed, planted, laid open, replanted, or re-inclosed; provided that the whole quantity of such lands under inclosure does not exceed at any one time [<sup>F2</sup>6,475 hectares].

Provided also, as respects the lands in this section mentioned, that in cutting timber or trees for improving the woods, or for sale, care shall be taken to maintain the picturesque character of the ground, and not wholly to level or clear the woods, but to leave from time to time a sufficient number of the most ornamental trees; and to keep the woods replenished from time to time by protecting the self-sown plants, or by planting trees in the vacant spaces, having regard to the ornamental as well as the profitable use of the ground.

One month's previous notice shall be given to the verderers by the [<sup>F3</sup>Forestry Commissioners] of their intention to inclose, lay open, or re-inclose any lands which Her Majesty has power to inclose under the provisions of this Act, but the verderers shall have no power to object to any such inclosure, laying open, or re-inclosure.

**Annotations:**

**Amendments (Textual)**

- F2** Words substituted by [S.I. 1979/836](#), [Sch. para. 4](#)
- F3** Words substituted by virtue of [Forestry \(Transfer of Woods\) Act 1923 \(c. 21\)](#), s. 1, [Sch.](#) and S.R. & O. 1924/386 (Rev. V, p. 443: 1924, p. 454), art. 2

**7 Appropriation of inclosures.**

Any part of such lands as may for the time being be inclosed shall be appropriated to growing timber and trees, and it shall be lawful for Her Majesty to plant in such inclosed part any timber or trees which may be thought expedient, and during the time that it seems meet to Her Majesty to keep such part inclosed for the growth and preservation of timber and trees such part shall remain in severalty in the actual possession of Her Majesty, free from all rights of common, and from all other rights, privileges, and claims whatsoever, except a right of the public to use any public highway which may traverse the said lands.

**Annotations:**

**Modifications etc. (not altering text)**

- C5** [S. 7](#) extended by [New Forest Act 1949 \(c. 69\)](#), [s. 12\(2\)](#)

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*Changes to legislation:* There are currently no known outstanding effects for the New Forest Act 1877. (See end of Document for details)

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**8 Subject to authorised inclosures, Forest to be kept open.**

The ancient ornamental woods and trees in the Forest shall be preserved, and except in so far as is provided by this Act the Forest shall remain open and uninclosed, and wood shall be provided for the satisfaction of fuel rights, without the sacrifice of ornamental timber.

*Fence Month and Winter Heyning*

**9 Rights of common exerciseable during fence month and winter heyning.**

.....<sup>F4</sup>, it shall be lawful, until otherwise provided by Parliament, for any person entitled to any right of common of pasture in the Forest, to exercise such right during the time of the fence month and during the time of the winter heyning, subject nevertheless to such limitations and restrictions in respect of such right of pasture during the time of the winter heyning as may be imposed by any byelaws made in pursuance of this Act.

.....<sup>F5</sup>

**Annotations:**

**Amendments (Textual)**

**F4** Words repealed by [Wild Creatures and Forest Laws Act 1971 \(c. 47\), s. 1, Sch.](#)

**F5** Words repealed by [Wild Creatures and Forest Laws Act 1971 \(c. 47, SIF 29:7\), s.1, Sch.](#)

**10, 11. ....<sup>F6</sup>**

**Annotations:**

**Amendments (Textual)**

**F6** [Ss. 5, 10–12](#) repealed by [Wild Creatures and Forest Laws Act 1971 \(c. 47\), s. 1, Sch.](#)

*Saving for Rights of Crown*

**12 .....<sup>F7</sup>**

**Annotations:**

**Amendments (Textual)**

**F7** [Ss. 5, 10–12](#) repealed by [Wild Creatures and Forest Laws Act 1971 \(c. 47\), s. 1, Sch.](#)

**13 Savings of rights to dues on the part of the Crown.**

Nothing in this Act shall affect or prejudice any right of the Crown to any dues or sums hitherto payable by the commoners or other persons.

*Changes to legislation: There are currently no known outstanding effects for the New Forest Act 1877. (See end of Document for details)*

*Amended Constitution of Court of Verderers*

**14 Constitution of verderers.**

The verderers of the New Forest as constituted under this Act shall consist of [<sup>F8</sup>five elective verderers, one official verderer, and the four appointed verderers provided for by paragraph (c) of section one of the <sup>M2</sup>New Forest Act 1949].

No oath or declaration shall be required to be taken by a verderer on his entering on his office.

The official verderer shall be from time to time nominated by Her Majesty under Her sign manual and shall hold office during Her Majesty's pleasure.

<sup>F9</sup>

The elective verderers shall be elected by the persons and in manner in this Act mentioned.

**Annotations:**

**Amendments (Textual)**

**F8** Words substituted by [New Forest Act 1949 \(c. 69\), s. 1](#)

**F9** Words repealed by [New Forest Act 1949 \(c. 69\), s. 22, Sch. 2](#)

**Marginal Citations**

**M2** [1949 c. 69](#).

**15** ..... <sup>F10</sup>

**Annotations:**

**Amendments (Textual)**

**F10** [Ss. 15, 17, 18, 27, 28, 31, 39, Sch. 2](#) repealed by [New Forest Act 1949 \(c. 69\), s. 22, Sch. 2](#)

**16 Disqualification of elective verderers.**

A person shall be disqualified from being an elective verderer who—

- (1) Holds any office or place of profit under the verderers; or,
- (2) Participates in the profits of any work done by order of the verderers; or,
- (3) Is concerned in or participates in the profit of any contract entered into by the verderers.

**17, 18.** ..... <sup>F11</sup>

**Annotations:**

**Amendments (Textual)**

**F11** [Ss. 15, 17, 18, 27, 28, 31, 39, Sch. 2](#) repealed by [New Forest Act 1949 \(c. 69\), s. 22, Sch. 2](#)