

some Verderers' inspections but said that he himself has looked round on a number of occasions recently. On the 26th March he checked Agister Rix's area in the north of the Forest. Out of 347 ponies and 16 donkeys which were seen, 7 needed to be removed. This was reported to Agister Rix who is in the process of getting the animals in. On the 13th April, Mr Adams visited the south and west of the Forest - Agister Gerrellis and Agister Maton's areas. Out of 316 seen, 7 were considered to be below the standard and will be removed.

Generally Mr Adams was happy with stock at what is normally the worst months of the year. A lot of ponies are borderline and the weather will have an effect on how well they cope. Animals will be removed if necessary. A few mares have foaled. Some which have lost condition as a result have been moved. No further foals should now be born for 3 to 4 weeks because of the stallion scheme implemented last year.

The Welfare Tour will take place on the 7th May and Mr Adams said it will be interesting to hear the comments of those attending.

Commoners are co-operating as respects taking animals in that are delivered to them but as usual in the north, few owners are making efforts to catch their own stock. Commoners in the south are generally more helpful.

The Agisters appear to be coping in what is always a busy time with marking fees to collect, cattle to mark and poor ponies to catch.

The strangles outbreak appears to be subsiding.

The worming project is continuing. A local student is carrying out preliminary studies to ascertain what data is presently available on the effects of avermectins on the environment.

2003/156 AGISTERS

RESUME

The Court was appraised of the latest situation as respects Agister Naphthine, whose condition continues to improve.

2003/157 VERDERERS' ELECTIONS

RESUME
June 2003

There is nothing in either the New Forest Act of 1949 nor the Representation of the People's Act that requires tithe numbers to be shown on either registration forms or the Register of Electors. Whilst including tithe numbers would help prevent fraud, it was felt the effort required would be disproportionate to the benefits attained. Electors are required to sign a declaration stating that they are qualified to vote and it was felt this is sufficient.

The Clerk reported that she has been advised that this is the last year that the Under Sheriff and his team will be able to manage the Election as the post of Under Sheriff is to be abolished. The Clerk was asked to approach the District Council to see if it would be able to help with future elections.

OPEN COURT - 10.00 a.m. in the Verderers' Hall

IN ATTENDANCE: Mr Mike Seddon Deputy Surveyor of the New Forest
Mr Will Parke Area Land Agent (New Forest)

ANNOUNCEMENTS & DECISIONS BY THE OFFICIAL VERDERER

2003/158 THE LORD LIEUTENANT OF HAMPSHIRE

It gives me great pleasure to welcome Her Majesty's Lord Lieutenant of Hampshire, Mrs Mary Fagan, to this month's Court.

This is not the first time the Lord Lieutenant has visited us and we are delighted that Mrs Fagan has once again taken the trouble to join us and observe this Court in the conduct of its business.

2003/159 THE NEW DEPUTY SURVEYOR OF THE NEW FOREST

Today is the first Court to be attended by Mr Mike Seddon in his capacity as the newly appointed Deputy Surveyor.

On behalf of the Verderers, may I congratulate you on your appointment and we look forward to working with you in the years to come.

2003/160 PONY PASSPORTS

We are pleased to announce that the Rural Affairs Minister, Mr Alun Michael, has agreed that commoners' ponies running within the premise of the New Forest will be exempt from the requirement that all equines must have a passport.

Whilst they will not require a full passport, ponies running on the Forest will still have to be identified and their details recorded by the Verderers. We are working closely with the Commoners' Defence Association and the New Forest Pony Breeding and Cattle Society in order to devise a system of recording the ponies which is practical and easily administered. The Verderers' record does not preclude owners applying for full passports from the Pony Breeding Society if they prefer. However, in all cases a passport must be obtained before a pony leaves the Forest.

The legislation has not yet been finalised and the consultation phase runs until 30th June 2003.

2003/161 VERDERERS' ELECTION

There is a Verderers' Election this year and there are three vacancies. Verderers standing for re-election or any new candidates must be nominated by a proposer and seconder and to qualify must occupy not less than one acre of land to which are attached rights of common of pasture over the forest.

Anyone over 21 years of age who occupies not less than one acre of land (0.4ha), to which is attached a right of common over the New Forest or added areas is entitled to be included in the Electoral Register and to vote at the Election which will be held in November.

Those who were included in the Register for the last Election three years ago, will automatically receive a form by the end of June which must be completed and returned to the Verderers' office by the 1st September. Anyone wishing to vote who does not receive a form by the end of June should please contact the office.

Only those persons whose names are included in the Electoral Register as revised at the 1st October 2003 will be able to vote.

2003/162 ENFORCEMENT OF THE VERDERERS' BYELAWS

In October 2002 several prosecutions were commenced in the Southampton Magistrates Court for the non-payment of marking fees. At a hearing on the 19th March 2003 District Judge Babington-Browne ruled that she did not have jurisdiction to deal with any of these cases since, in her opinion, the Verderers must use their own ancient Court of Swainmote.

Prior to commencing any of the prosecutions, very clear advice was obtained from Queen's Counsel that the most appropriate Court for prosecuting any breach of the Verderers' Byelaws is the Magistrates Court.

In order to discharge our public duties under the New Forest Acts our lawyers have advised us that this matter should be referred to the High Court for a definitive ruling.

Accordingly, none of these cases have yet been heard, and in the meantime the existing prosecutions are held in suspension by the Southampton Magistrates' Court.

2003/163 STRANGLES UPDATE

The Agisters report that the outbreak of strangles does not appear to have spread further and ponies seem to be recovering which is very good news. We will continue to monitor the situation closely.

2003/164 STALLIONS

The stallions selected to run the Forest this season will be turned out on Tuesday the 6th May for two months. We would like to remind everyone who uses the Forest and in particular walkers with dogs, and horse riders, that it is unwise to approach the ponies at this time. Every year we receive complaints about allegedly aggressive stallions which more often than not are simply protecting their herd. Mares can be equally protective over their foals and again they should be left alone. We would be grateful if the press will publicise the need for all visitors to take particular care on the Open Forest over the next few months.

ANIMAL ACCIDENT REPORT

2003/165 ANIMAL ACCIDENT REPORT FOR MARCH 2003

Total Accidents for the Period: 10 (4)

| | Killed | | Collar | | Injured | | Collar | | Uninjured | | Collar | | Not Found | |
|---------|--------|-----|--------|-----|---------|-----|--------|-----|-----------|-----|--------|-----|-----------|-----|
| Ponies | 5 | (1) | 0 | (0) | 0 | (3) | 0 | (0) | 0 | (0) | 0 | (0) | 1 | (0) |
| Cattle | 2 | (0) | N/a | N/a | 1 | (0) | N/a | N/a | 0 | (0) | N/a | N/a | 1 | (0) |
| Donkeys | 0 | (0) | 0 | (0) | 0 | (0) | 0 | (0) | 0 | (0) | 0 | (0) | 0 | (0) |
| Pigs | 0 | (0) | N/a | N/a | 0 | (0) | N/a | N/a | 0 | (0) | N/a | N/a | 0 | (0) |
| Sheep | 0 | (0) | N/a | N/a | 0 | (0) | N/a | N/a | 0 | (0) | N/a | N/a | 0 | (0) |
| Totals | 7 | (1) | 0 | (0) | 1 | (3) | 0 | (0) | 0 | (0) | 0 | (0) | 2 | (0) |

| | | |
|---|---|-----|
| TOTAL KILLED & INJURED | 8 | (4) |
| Accidents During the Hours of Darkness | 6 | (4) |
| Vehicles Involved Private Cars / Light Commercial | 9 | (3) |
| Motor Cycles | 0 | (0) |

| | | |
|---|----|------|
| Heavy Vehicles | 0 | (0) |
| Number of Local Motorists | 8 | (3) |
| Number of Accidents Not Reported | 1 | (1) |
| Total Killed and Injured for the Year to date | 17 | (16) |
| Number of Deer Killed | - | (-) |

Figures in brackets () show previous year's totals.

PRESENTMENTS BY THE DEPUTY SURVEYOR OF THE NEW FOREST

2003/166 FIRST PRESENTMENT BY THE NEW DEPUTY SURVEYOR

"Good Morning. May I take this opportunity to thank the Official Verderer for his kind words of welcome on behalf of the Court and I would like to express my thanks to all those in the Forest and surrounds who have extended their best wishes to me in recent weeks.

I consider it to be an honour and privilege to be the Deputy Surveyor of the New Forest.

The institutional frameworks for the governance of the New Forest are a wonderful combination of the best of the old and the new. They have changed over time to reflect the needs of the Forest and society, and no doubt will continue to be adapted to maintain their relevance. In a similar way, the public goods provided by the Crown Lands to people in and around the New Forest and beyond are many and varied and will continue to evolve over time. As manager of the Crown Lands our current objectives are clearly laid out in the Ministers' Mandate, and through our work, and in partnership with others, I look forward to delivering these strategic objectives.

The New Forest is a local, regional and national asset and I am excited to be working with you, the Verderers, in maintaining and developing the vitality of this unique place".

PRESENTMENTS

2003/167 STALLIONS Presentment by Mr Mike Cooper, Commoner

Mr Cooper queried the statement that the stallions are to run out for 2 months. He believed it to be 3 months. The Official Verderer replied that it is indeed 2 months.

2003/168 DIBDEN INCLOSURE CAR PARK Presentment by Mr Mike Eccles on behalf of the Commoners' Defence Association

Firstly Mr Eccles welcomed the Lord Lieutenant.

The Association is concerned about indiscriminate parking on the approaches to Dibden Inclosure car park (Dibden Purlieu). The car park proper is approximately 200 yards along the track. The track is narrow, and parking on it causes restrictions and inconvenience. Only recently an articulated low loader delivering forestry equipment was stuck along the approach road. Parking in front of the barrier, close to the side gate of the nearby cattle grid and along the approach verges on the Forest side importantly restricts drivers' vision of depastured stock. The Court was asked to investigate.

2003/169 CAR PARKING AT WATERS GREEN
Presentment by Col Peter Sweet, Commoner

Peter Sweet raised again the problems created by students from Brockenhurst College parking on the roadside verges on Waters Green. Additionally, he said students are now feeding the ponies with chocolates and chips! Col Sweet said the problems are getting worse and asked the Court to take action.

In reply, the Official Verderer said the Court would do its best to resolve the problems.

2003/170 NATIONAL PARK PROPOSALS
Presentment by Mr Bob Cooper, Commoner

Mr Cooper congratulated Col Sweet for attending practically every day of the Public Enquiry. He also congratulated the Verderers on their evidence.

2003/171 MR COOPER'S DUNG HEAP
Presentment by Mr Bob Cooper

Mr Cooper advised the Court that he has been told by English Nature that his dung heap, which is situated on the Manor Waste outside his property is "very damaging to the special habitats for which the Forest is famous"! He went on to say that he believes it is an ancient common right to place their animals straw and manure on the commons.

IN COMMITTEE

CONSIDERATION OF PRESENTMENTS

2003/172 DIBDEN INCLOSURE CAR PARK

RESUME
July 2003

The car park is reportedly often half empty when the inclosure entrance is full of cars. This may be as a result of the design of the entrance and motorists worries about security. The car park has been opened up so it is more secure than it was but it is thought people are still worried about their cars being broken into. The Forestry Commission agreed to look at whether there are any opportunities for works to reduce the area for parking. A suggestion was made that a Ranger could also be asked to visit the location to ask people to use the proper car park.

2003/173 CAR PARKING AT WATERS GREEN

RESUME

The problem has arisen because the College has decided to charge students to park within its curtilage. It was suggested a letter to the College Principal explaining the problems and asking for help in resolving them.

The County and Parish Councils are investigating whether parking restrictions are feasible.

2003/174 BOB COOPER'S DUNG HEAP

DISCHARGE

As Mr Cooper's dung heap is on Manor Waste, the Verderers were minded not to become involved.

SUBMISSIONS BY THE FORESTRY COMMISSION

2003/175 CASTLE MALWOOD FARM

DISCHARGE

The Court was advised that this property has unexpectedly become available. Commoners will be invited to tender for the lease. The property comprises the farm and a range of buildings.

MATTERS ARISING FROM THE MINUTES OF THE LAST COURT AND PREVIOUS COURTS OF CONCERN TO THE FORESTRY COMMISSION

2003/176 ELECTRICITY CABLE AT HINCHESSLEA

RESUME

The Electricity Board wishes to put underground, the electricity cable which currently runs on poles across Hinchesslea Bog. A new technique for carrying out the work involving a new moleing machine is to be considered and members of the Court were invited to attend a site meeting on Tuesday, 27th April to discuss the proposals. English Nature will also attend.

OTHER MATTERS OF CONCERN TO THE FORESTRY COMMISSION

2003/177 A31 PICKET POST JUNCTION

RESUME

The Forestry Commission's Drawing Office is producing more detailed plans showing a proposed planting layout which will be submitted to English Nature, the Council and the Verderers in advance of a Presentment which will be made in the summer.

2003/178 NEW FOREST CAMPSITE REFURBISHMENT

RESUME

The Deputy Surveyor said the Forestry Commission will be meeting with the New Forest Committee with a view to taking forward a baseline review of camping in the New Forest. Plans for Hollands Wood, Roundhill and New Park have not been progressed. This will be picked up in the near future when detailed issues will be explored. Discussions will take place with commoners' representatives, including the Verderers to determine the issues and how best to address them. Environmental Assessments will also be required. The Deputy Surveyor will keep the Court fully informed.

2003/179 NEW FOREST GOLF CLUB

RESUME

The Official Verderer and Mr Donald Anderson declared an interest in this matter.

The Forestry Commission will produce a further paper setting out in greater detail the management plan which will include annual inspections and reports. There was a suggestion that a condition of the Licence could be that a member of the Verderers' Court should be party to the process. The intention being to provide reassurance that the management of the course is appropriate and in line with the conditions of the licence. The Licence will also include the requirement that the SAC interest is a part of the management of the area.

The Deputy Surveyor felt the Verderers need to consider the longevity

of the course as well as the long term interests (business and finance) of the proprietor and his staff. He added that the Forestry Commission is of the opinion that the Verderers are being unreasonable in insisting on a 10 year lease. 25 years is in line with other courses and appropriate for this particular course. He suggested the Verderers should re-consider their decision, particularly in respect of the length of the licence.

The Official Verderer suggested this matter should be discussed again at a special meeting at which neither he nor Mr Anderson would be present. The Forestry Commission will re-present all the information in a complete document.

In reply to a query about compensation, Mr Parke confirmed that the compensation payable now is negligible because the basic structure of the course was dealt with under the old mechanism whereby the Verderers received a lump sum as compensation rather than annual amounts. He added there may be an additional footpath for which compensation is due. Mr Pasmore asked for the details. He also commented on a new enclosure and asked for confirmation of why it is there. Mr Parke confirmed that up to two enclosures are allowed to protect ground under repair at tees or greens and he suspected the enclosure is therefore quite legal. He will make sure this is the case.

Following a recent complaint (19th February) that the Golf Club were digging up gorse and replanting it, the Golf Club was advised that they should not be taking such action and it stopped immediately. The Club evidently believed it was acting properly but was advised that the programme of works has not been agreed.

The Verderers also enquired if the lease can be sold as they were concerned that an unsuitable tenant could take over.

At this point the Official Verderer commented that the discussion was compromising the position of both himself and Mr Anderson, both of whom had declared an interest in the subject.

The Forestry Commission was then asked if it would over-ride the decision of the Verderers. The response was that the matter cannot be debated continuously as that is not fair. It was confirmed that generically the lease could be re-assigned but that the Commission would want to be satisfied with the credentials of any future proprietor.

The Deputy Surveyor then repeated that he would be happy to provide the Verderers with a single document setting out the position with the Golf Club but that there was nothing further that could be added.

The Official Verderer suggested that the sub-committee should meet with the Forestry Commission, English Nature and the Commoners' Defence Association to discuss the issue again. This suggestion was taken up by Mr John Perry who made a firm proposal that this should be the way forward. Mr Anthony Pasmore seconded the proposal and all present agreed. The Clerk was asked to arrange a suitable date.

- 2003/180 BEECHWOOD ROAD LOG STORE RESUME
- This matter remains with Mr Parke who is endeavouring to resolve the problem.
- 2003/181 LONGDOWN TIP RESUME
- The Forestry Commission's lawyer is awaiting advice from a specialist in environmental law. It is hoped clear advice will be available by the time the Court next meets.
- 2003/182 COSTICLES POND DISCHARGE
- The problem of how grazing can best be achieved is still under consideration and a report is awaited. The matter will be resumed when the Forestry Commission has something to report.
- 2003/183 NOMANSLAND CAR PARKING RESUME
- The County Council is seeking a road closure order for the road which runs around the inclosure fence. This will take time but it is expected to be achieved in September or October. Because of the prospect of continued problems this summer, the Verderers were asked if they would agree to the new Car Park being constructed prior to the closure and reinstatement of the road. Unfortunately, during the discussion it became apparent that there remains some confusion about how much of the old road is to be reinstated. The Verderers were of the view that the whole of the road is to be taken up whilst the Forestry Commission is under the impression that the Northern end would be retained and possibly gravelled. Mr Parke and the Clerk will check their records to see what each thinks was agreed.
- The Verderers were minded to agree to the works on the new car park commencing providing there is no argument about the old road. The matter is to be clarified and concluded at the next Court.
- 2003/184 BRAMSHAW TELEGRAPH COTTAGE RESUME
- The fence has still not been removed despite the efforts of Mr Parke.
- Mr Thompson and Mr Parke left the meeting.
- OTHER MATTERS ARISING**
- 2003/185 PONY PASSPORTS RESUME
- The Clerk reported that she recently visited the offices of the New Forest Pony Breeding Society and received a lot of help. There are various errors in the draft legislation which will need to be corrected. The BHS is arranging a meeting with the NFPB together with the Dartmoor and Exmoor Breed Societies. There are a lot of anomalies which must be clarified. It was suggested that comments should be passed to the Clerk and a draft response will be prepared in advance of the next Court.

- 2003/186 DISPOSAL OF FALLEN STOCK RESUME
- The Government's proposals for a carcass disposal scheme is not satisfactory for horse owners although equines have now been included. It was suggested another forceful letter be written.
- 2003/187 NON-PAYMENT OF MARKING FEES RESUME
- All members of the Court were copied with the Official Verderers' update on the current position. The cost of appealing against the decision of Judge Babbington-Browne is estimated to be in the region of £9,000 plus VAT. If successful it is usual for the Government to pay the costs.
- After a detailed discussion it was proposed by the Official Verderer that the appeal proceed. Mr Anthony Pasmore seconded the proposal. Mr Peter Frost abstained from voting as he felt uneasy and wondered if there was another way of resolving the problem. The remaining members of the Court agreed that the appeal should proceed and it was therefore **RESOLVED** that the Court instruct its solicitor to appeal against the Ruling of District Judge Babbington-Browne, made in the Southampton Magistrates Court on 19th March 2003, and proceed by way of case stated to the Administrative Court.
- 2003/188 GOATS RESUME
- The Official Verderer has repeatedly asked the National Trust to clarify its position as respects goats on its commons but to date nothing has been received.
- 2003/189 AGRI-ENVIRONMENT SCHEME RESUME
September
- The application under the Countryside Stewardship Scheme has now been submitted. DEFRA has promised to comment on the proposals by the end of the week but a final decision is not expected until September or October. A presentation on the Scheme as submitted will be given to the Verderers by Miss Emma Rigglesworth (Forest Friendly Farming Officer) as soon as possible.

REPORTS FROM OUTSIDE BODIES

- 2003/190 NEW FOREST CONSULTATIVE PANEL DISCHARGE
- The Panel has not met since the last Court. The question of the chairmanship is still being debated as it has been suggested that the Chairman should be independent of the New Forest Committee. It has also been suggested that the administration should be provided by the Forestry Commission.
- 2003/191 NEW FOREST COMMITTEE DISCHARGE
- A brief report from the last meeting was given.
- As respects the Pledge, some members have signed whilst others have chosen not to. The Verderers agreed that whilst they support the principle of the Pledge, it is not appropriate to sign it because of possible conflicts as respects the legal responsibilities of the Court.

STAFF COMMITTEE MATTERS

2003/192 STALLIONS DISCHARGE

The inspections were carried out satisfactorily and the sub-committee will meet to agree the final selection.

HEALTH & SAFETY AT WORK

2003/193 PERSONAL PROTECTIVE EQUIPMENT RESUME

Following Agister Napthine's injury to his back and neck, the provision of body protectors for the Agisters to wear whilst riding will be given careful consideration.

ANY OTHER BUSINESS

2003/194 VERDERERS' BYELAWS RESUME

A copy of the Official Verderer's letter to DEFRA was circulated. A response is now awaited.

2003/195 NATIONAL PARK INQUIRY DISCHARGE

The Inquiry is now over and the Inspector's decision is awaited.

2003/196 WELFARE TOUR DISCHARGE

The Tour of the Forest will take place on Wednesday, 7th May 2003. A report on the Tour will be made by the Chairman of the Staff Committee under Condition of Stock at the next meeting.

2003/197 ENGLISH NATURE RESUME

Mr Frost reported that he has arranged an informal meeting with English Nature during which he will suggest that more effort be put into ensuring that English Nature and the Verderers work closer together. In particular it is hoped that a formal agreement can be reached to encourage both organisations to be proactive in protecting the traditional character of the Forest. Mr Frost said he will report back to the Court.

2003/198 FIRE DISCHARGE

The Court was particularly concerned that there is a very high risk of fire on the Forest because of the present unusually dry spell of weather. It was agreed that a request to the public to take care be incorporated into the Press Release that will be issued following the meeting.

2003/199 POUND BOTTOM TIP DISCHARGE

Mr Anderson wanted the Court to be aware that Permission has been granted for the composting operation at Pound Bottom and that this will commence before September this year.

2003/200 STALLION INSPECTIONS

RESUME
July

Concern was expressed that new rules brought in by the New Forest Pony Breeding and Cattle Society are incompatible with the Verderers' system of selecting stallions. Mr Adams said he is doing his best to persuade the Pony Society to adopt the Verderers' system. The Verderers have always been responsible for selecting stallions to run on the Forest and it is considered important that the Pony Society's rules do not jeopardise the Verderers' position as respects stallions which run on the Forest.

There being no further business, the meeting closed at 12.30 p.m.