

PRESS RELEASE: Monday 14th March 2005

VERDERERS OF THE NEW FOREST

- Shetland Pony attacked by dog(s)? -

A one year old Shetland pony has been found in the vicinity of Ashurst Campsite with injuries consistent with a dog attack. Agister Andrew Naphine who owns the pony, found the one year old dark bay filly called Fernyknapp Ellie May on Saturday afternoon whilst checking his stock in the area. Ellie May has a gaping hole between her ear and jawline and other bite marks and puncture wounds around her mouth. The Veterinary Surgeon from Seadowns Veterinary Hospital in Hythe who is treating her, agrees with Andrew that a dog was the most likely cause of the injuries. Ellie May is now in the Hospital being treated.

The incident is thought to have occurred sometime during last week and by the time Ellie May was found by her owner, her injuries had become infected. Dog bite injuries can be very serious but it is hoped she will make a full recovery. No-one has come forward with information about the incident. It is thought the dog's owners should be aware that their animal had been involved in some kind of incident as it is likely that the dog's muzzle would be blood stained.

Andrew is offering £100.00 reward to anyone who provides information which leads to the owner(s) of the offending dog(s) being apprehended. It is a breach of the Forestry Commission's byelaws to allow a dog to be out of control on the Forest and allowing a dog to worry or attack livestock is a criminal offence.

For further information contact:- Agister Andrew Naphine on 07836 203883, or the Clerk to the Verderers

PRESS RELEASE: Thursday 6th December 2004

VERDERERS OF THE NEW FOREST

- Animal welfare organisations praise condition of Forest ponies -

The Verderers' winter Welfare Tour was held on Friday 3rd December attended by representatives of DEFRA, the RSPCA, the British Horse Society, International League for the Protection of Horses, the Blue Cross, the Donkey Sanctuary, the New Forest Commoners' Defence Association and the New Forest Pony Breeding and Cattle Society. The Verderers' Welfare Tours take place every spring and winter. A wide area was covered by two groups who traveled separately around the Forest inspecting the animals. Mr David McDowell, Equine Veterinary Officer, RSPCA commented that the overall standard of stock is excellent. He said he saw nothing which gave cause for concern and the ponies are looking very fit. This view was echoed by the ILPH Director of UK

Operations, Mr Tony Tyler.

Mr Patrick Print, Chairman of the British Horse Society was also very impressed. Miss Helen Owens the Welfare Manager of the BHS commented that the condition of the ponies has clearly improved since the introduction of the stallion scheme which limits the time and number of stallions which are allowed to run out in the Spring. All the mares look well including the few that were seen with foals still at foot. The stallion scheme has virtually eliminated very late and early born foals and this has had a significant effect on the welfare of the mares. The RSPCA and ILPH representatives were also very supportive of the stallion scheme and reported that to the best of their knowledge their respective HQ/Control Centres have received no reports of animals in poor condition on the Forest for some time.

Mr Mark Kerr the Regional Welfare Officer of the Donkey Sanctuary said that whilst he did not see any donkeys this morning, he had toured the Forest about 10 days ago and felt everything looked fine. He reported that one of the Sanctuary's Trustees had visited the Forest recently and remarked that the donkeys look the best they have for years. Dr Christianne Glossop from the DEFRA Animal Health Office suggested that the good work which is being carried out on the Forest should be widely publicised. Everyone present agreed and this Press Release will be widely circulated.

The Official Verderer, Oliver Crosthwaite Eyre, said: "To hear these internationally respected welfare organisations praising the good condition of the ponies, donkeys and cattle on the Forest is the ultimate endorsement. As with last year's tours, the representatives have taken the time and trouble to come and see the healthy state of the stock on the Forest for themselves. Monitoring the welfare of the animals is a vital joint enterprise between the commoners and our Agisters, and the fruits of that effort have once again been suitably recognised and applauded."

PRESS RELEASE: Thursday 2nd December 2004

VERDERERS OF THE NEW FOREST

- Verderers' appeal successful again -

The Verderers' Appeal to the High Court in London has been successful once again in their continuing prosecution of seven New Forest commoners for alleged byelaw offences.

The Southampton Magistrates Court trial that was due to begin last July never took place due to the decision by the Deputy District Judge on a point taken of her own volition, that the charges had been laid out of time. The Verderers were, for the second time in this case, forced to lodge an appeal to the Administrative Court at the High Court in London by way of case stated. The Appeal was heard in full yesterday, 1st December 2004, at the Royal Courts of Justice, and the judges ruled in the Verderers favour and allowed the appeal and confirmed that all charges had been laid well in time. The case has been sent back to the magistrates' court for the trial against all the defendants to proceed. The

Judges also ruled that the conviction and sentences in respect of two separate Defendants who had originally pleaded guilty to the byelaw offences in 2002, father and son Mr Thomas and Mr James Penny, had been properly reinstated at the last appeal.

The Judges also ruled that the Verderers legal costs in bringing the appeal would be met from the Government's Central Funds.

The Official Verderer, Oliver Crosthwaite Eyre, said: " These prosecutions began in October 2002, and this is the second time that we have been forced to go to the High Court in London to appeal against decisions made in the Southampton Magistrates Court. Obviously we are pleased that the Judges have ruled once again in our favour, but we are now concentrating our efforts on getting as early a date as possible for trial so that there can be no further delay. If all commoners paid their marking fees then none of this would be necessary. The alleged outstanding fees are indeed only a few hundred pounds but the Verderers' byelaws which are being challenged by this small group are vitally important to the management, and particularly the health and welfare, of stock on the Forest. The marking fees paid by practising commoners go towards the cost of employing the Agisters."

"It is also worth remembering that two years ago other Commoners were becoming frustrated that a small group were "getting away without paying" for the Agisters services. There was an increasing danger that the rot would spread and others too would refuse to pay. The Verderers' authority was in danger of becoming seriously undermined and the time had come to enforce the byelaws and prosecute any alleged offences. The High Court Judges did not see why the Verderers should pay for this appeal out of their own budget, and accordingly decided that the costs should be met from the Government's Central Funds."

PRESS RELEASE: Monday 28th June 2004

VERDERERS OF THE NEW FOREST

- Creation of a New Forest National Park -

The Verderers today gave a cautious welcome to the Government's announcement on the creation of a New Forest National Park in the light of the extra layer of valuable protection that this new status should bring to the area.

The Official Verderer, Oliver Crosthwaite-Eyre, said: "This announcement is an important moment in the Forest's long history, even though there is obviously bound to be a degree of suspicion that surrounds what the creation of a National Park may actually mean for the New Forest. Nevertheless the Verderers intend to give their full support to the process of setting up and creating a new National Park for the Forest. The extra protection and funding that National Park status can potentially give to the Forest may well be good news for Commoning and Commoners in the long term, but essentially we are entering uncharted waters.

Although we will be getting a "standard" National Park, it would appear that the Inspector at the Public Inquiry has recognised the need for those with particular knowledge and experience of the way the New Forest actually works to sit on the new National Park Authority. Naturally we hope the Secretary of State accepts that recommendation. History has shown us in the last fifty years or so since the first National Park was created that the success of a National Park is largely dependent upon who actually sits on the National Park Authority.

A considerable challenge now lies ahead for all those involved in the management of the New Forest. We intend to work alongside the future National Park Authority and make the Forest's new status the success it deserves to be".

BACKGROUND:

A full-blown public inquiry was held in Lyndhurst in March 2003 to examine whether or not the Countryside Agency's recommendation to the Secretary of State that the New Forest should become a National Park should be accepted.

The Verderers made detailed representation at the inquiry asking that the Inspector make two specific recommendations in his report as follows:

1. That any National Park Authority should have a guaranteed minimum of 49% of its membership drawn from those both with specialist knowledge of the actual administration, management and practise of common rights in the New Forest, and those with expertise in forestry and land management and the implementation of the New Forest Acts, along with those with knowledge of landscape, ecology and nature conservation.
2. That the loophole in the current legislation that might allow a National Park Authority to develop Crown Land (i.e. the open Forest) be closed, thus removing the threat of any future bypassing of the Verderers' current right of veto on development on Crown Land.

PRESS RELEASE: Wednesday 15th March 2004

VERDERERS OF THE NEW FOREST

- Verderers' Countryside Stewardship Scheme; Signing ceremony -

At the signing ceremony held in the Verderers' Hall, in Lyndhurst this afternoon, the Official Verderer, Oliver Crosthwaite Eyre, said:

"Firstly I would like to welcome the Minister to the Verderers Hall, and thank him for coming this afternoon to the New Forest.

Commoning has not been a profitable exercise for a long time, and a whole generation of

commoners has been waiting and hoping for a scheme like this to be created.

And now we have it, thanks to the very real support and encouragement that we have received from DEFRA over the last two years of discussion and negotiation.

This signing ceremony is an important and happy moment for all practising commoners, who can now look forward to meaningful financial assistance for the next decade. This scheme also provides well deserved national recognition of the invaluable contribution that the commoners' ponies and cattle make to the conservation of the New Forest. Their animals have created and preserved the beautiful and precious Forest landscape that is enjoyed by tens of thousands of visitors every year.

I would therefore like to thank the Minister and his department, and in particular Chris Jankiewicz and Martin Froment of the Rural Development Service, for making this scheme possible."

PRESS RELEASE: Wednesday 18th February 2004

VERDERERS OF THE NEW FOREST

- Verderers' Countryside Stewardship Scheme -

The Verderers announced today that they will shortly be signing a Countryside Stewardship Scheme Agreement with DEFRA which will provide direct financial support to New Forest Commoners. The Scheme will last 10 years and will involve the distribution of over £4 million to commoners for grazing their animals on the Open Forest.

The Official Verderer, Mr Oliver Crosthwaite Eyre, said "This will be the biggest Countryside Stewardship Scheme in England, and it represents a major opportunity for Commoners to benefit. I hope that as many Commoners as possible will apply to join the Scheme. I urge all practising Commoners to seize this chance and apply to join the Scheme. We must have their application forms returned by February 28th so that the Scheme can be successfully launched".

Under the Scheme Commoners will hopefully be receiving in the region of £60.00 per animal per year in return for depasturing their stock onto the Open Forest and represents valuable recognition of the conservation benefits that the Commoners and their animals provide.

PRESS RELEASE: Thursday 18th December 2003

VERDERERS OF THE NEW FOREST

- High Court Appeal Success -

In October 2002 the Verderers commenced prosecutions in the Southampton Magistrates Court against various commoners for breach of their byelaws. The commoners in question had allegedly depastured their animals onto the Open Forest without paying any annual marking fees to the Verderers as required by law.

On 16th March 2003 at the Southampton Magistrates Court, District Judge Miss Babbington-Brown declined to hear these cases on the basis that she believed that the Verderers were not entitled to use the Magistrates Court and that they should instead use their own Court of Swainmote.

The Verderers appealed against this decision to the High Court and at a hearing held on Wednesday, 17th December District Judge Babbington-Brown's Ruling of 16th March was overturned and the Verderers' were awarded their full legal costs.

The case was heard by Lord Justice Rose (a senior Court of Appeal Judge) and Mr Justice Jackson. Both Judges were unanimous in stating that Miss Babbington-Brown was wrong to decide not to hear the Verderers' cases, and they ruled that the Magistrates Court had jurisdiction to deal with any cases brought to it by the Verderers for prosecution.

The Judges commended the Verderers for their "extremely sensible" decision to use the Magistrates Court to prosecute their byelaws and they further disagreed with Miss Babbington-Brown's statement in her ruling that the Verderers' duties were "of no interest" to the public. Lord Justice Rose made it plain that he felt that the Verderers' administration of grazing rights in the New Forest are very much in the national interest and that they perform an important duty for the benefit of the general public.

The High Court's decision confirms that the Verderers were acting entirely properly at all times in the enforcement of their byelaws and removes once and for all any doubts about their enforceability.

The Verderers now intend to proceed with their ongoing prosecutions.

PRESS RELEASE: Thursday 17th April 2003

VERDERERS OF THE NEW FOREST

- Issues arising from the VERDERERS' COURT in April 2003 -

A press statement has been released following the meeting of the Verderers' Court in April 2003. The statement addresses:

- **Visit of the Lord Lieutenant of Hampshire;**
- **New Deputy Surveyor of the Forest;**
- **Pony Passports;**
- **Verderers' Election;**
- **Enforcement of Verderers' Byelaws;**
- **Strangles update;**
- **Stallions;**
- **Cycling;**
- **Fire risk.**

PRESS RELEASE: Wednesday 2nd April 2003

VERDERERS OF THE NEW FOREST

- Horse passports -

We are pleased to announce that the Minister 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. A similar derogation has been agreed in respect of ponies running on Dartmoor and Exmoor.

Ponies running on the Forest will still have to be identified and their details will be recorded in a register maintained by the Verderers. The Verderers will continue to work 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 legislation has not yet been finalised and the consultation phase runs until 30th June 2003.

PRESS RELEASE: Wednesday 19th March 2003

VERDERERS OF THE NEW FOREST

- Enforcement of the Verderers' Byelaws -

In October 2002 the Verderers commenced several prosecutions in the Southampton Magistrates Court for the non-payment of marking fees. At a hearing today 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 the Verderers obtained very clear advice

from Queen's Counsel that the most appropriate Court for prosecuting any breach of their Byelaws is the Magistrates Court.

In order to discharge their public duties under the New Forest Acts the Verderers need this issue to be resolved and are therefore taking further legal advice as to whether or not the matter should be referred to the High Court for a definitive ruling.

In the circumstances Counsel acting on behalf of the Verderers in the Southampton Magistrates Court asked the District Judge to suspend all the current prosecutions until further notice.

It is vital that the issue of which Court should be used by the Verderers to enforce their byelaws is resolved in the interests of commoning and the proper management and administration of the New Forest.

In the meantime the Verderers' byelaws remain in force and must be observed by all those exercising their rights of common.

PRESS RELEASE: Monday 21st October 2002

VERDERERS OF THE NEW FOREST

- Announcement -

1. The Verderers of the New Forest have taken detailed legal advice from leading Counsel in relation to the Verderers' entitlement to charge, and recover, marking fees in respect of animals depastured in the New Forest and, in particular, in the part of the New Forest owned by the National Trust. The following paragraphs of this Statement are in accordance with the advice received.

2. The New Forest Act 1964 is a valid Act of Parliament and has full force and effect in accordance with its terms. It is not possible to challenge the validity of that Act in the Courts on the grounds that its passage through Parliament was attended by an alleged irregularity, even if there was one. **1.**

3. The Verderers can rely on the New Forest Act 1964 in any Court proceedings against commoners and others. Even if a Defendant to such proceedings could contend that any part of the New Forest Act 1964 was incompatible with the Human Rights Act 1998, the Court would be obliged to give effect to the 1964 Act and the Verderers would be acting lawfully in relying upon the 1964 Act. **2.**

4. The Commons Agreement 1964 confers benefits upon commoners. The Verderers will continue to comply with this Agreement.

5. The 1999 Byelaws of the Verderers of the New Forest **3. are valid byelaws and have full force and effect in accordance with their terms. In general, they apply to the National**

Trust land as they apply elsewhere in the New Forest.⁴

6. Under Byelaw 4, no person may cause or allow any horse, cattle, sheep or pig to roam at large or be depastured in the New Forest unless such animal is entitled to be in the Forest, for example, by virtue of a right of common or under a licence granted by the Verderers under section 2 of the New Forest Act 1879.

7. By Byelaw 6, no commoner may in any calendar year cause or allow any horse to roam at large or be depastured in the New Forest unless a marking fee has been paid in relation to the horse. Byelaw 7 applies in a similar way to cattle and sheep.

8. Byelaw 3 provides that a breach of the byelaws is punishable on summary conviction by a fine.

9. The Verderers are entitled to charge marking fees for sheep depastured in the New Forest. ⁵

10. The Verderers intend to enforce the above provisions of the byelaws. If a person depastures an animal in the New Forest and does not pay a marking fee to the Verderers in accordance with the byelaws, the Verderers will proceed in the Courts to recover the marking fees due. In the normal case, proceedings will be brought in the County Court, and the Verderers may also prosecute in the Magistrates Court for breach of the byelaws. If a person depastures an animal in the New Forest when he is not entitled to do so, the Verderers will prosecute for breach of the byelaws. In the normal case the prosecution will be brought in the Magistrates Courts.

Footnotes:

¹. Halsbury's Laws, 4th edition reissue, Vol.8(2), para. 232 and Halsbury's Laws, 4th edition reissue, Vol.44(1), paras. 1201 and 1202.

². Human Rights Act 1998, section 6(2)(a) (in relation to the Court) and section 6(2)(b) (in relation to the Verderers).

³. Byelaws are set out in the Schedule to the New Forest (Confirmation of the Byelaws of the Verderers of the New Forest) Order 1999 (1999 SI No.2134).

⁴. There are minor modifications in relation to the operation of the 1999 Byelaws in respect of the National Trust land; these modifications relate to Byelaws 8, 17(2) and 22.

⁵. New Forest Act 1877, section 23 and schedule 1; New Forest Act 1879, section 2 and the 1999 Byelaws, Byelaws 7.

Ends