

Verderers of the New Forest

REGULATIONS OF THE VERDERERS OF THE NEW FOREST RELATING TO COURTS OF SWAINMOTE FOR THE DISPATCH OF ADMINISTRATIVE AND JUDICIAL BUSINESS AS PROVIDED FOR IN SECTION 24 OF THE NEW FOREST ACT 1877 AS AMENDED

In accordance with long established tradition, in these Regulations a Court of Swainmote means a meeting of certain Verderers for the purposes of Section 8 of the New Forest Act 1949. Any other reference to the Court means a meeting for administrative purposes only.

1. The Conduct of all meetings of the Court shall be at the discretion of the chairman except in such matters as may be provided for by Act of Parliament, or laid down in these regulations.
2. The Verderers' Court shall meet monthly in Open Court followed by a closed committee meeting except for the month of August. Additional Open Courts, or committee meetings may be summoned by the Official Verderer or, in writing, by three Verderers for the transaction of urgent business.
3. Subject to restrictions on space, members of the public may attend any open meeting of the Court.
4. The dates of meetings of the Court shall be as determined from time to time by the Verderers and the dates of any meeting to which the public is admitted shall be advertised on the notice board outside the Court, at least fourteen days before the date of any such meeting.
5. The Clerk shall keep minutes of all the proceedings of the Court and maintain a register of all approvals granted under the New Forest Acts in such form as the Verderers shall determine from time to time. Copies of the minutes shall be sent to all Verderers before the following meeting of the Court. All approved minutes shall be available for inspection during normal office hours.
6. In addition to any presentment provided for by Act of Parliament, the Verderers will at any public meeting, receive presentments from any person provided that such presentments are: (1) relevant to some aspect of the New Forest or its management and (2) brief and (3) phrased in moderate language. Whether or not a presentment complies with this regulation shall be at the discretion of the chairman. Persons wishing to expand on their brief presentments may do so in writing, copies of which will be available for inspection. All persons making presentments are requested to hand written copies to the Clerk.
7. Where a presentment is made seeking the consent of the Verderers under the provisions of an Act of Parliament and the Verderers' consent would, in the opinion of the Court, have a significant effect upon the New Forest or be controversial, the Court will not make any decision on that presentment until after the succeeding public meeting in order that any person may have the opportunity of making a response expressing support or opposition to the presentment. The Verderers will apply this procedure to such other non-statutory applications as they may think fit.
8. Appointments to any sub-committee of the Court or any outside body on which the Verderers are represented shall be made by the Court. Where a Verderer has been appointed to an outside committee as a representative of the Court, a note of any relevant matters shall be made and circulated to members of the Court. Where possible copies of the official minutes of such outside committees shall be made available to the Clerk.
9. In the event of disorderly conduct by any person at a public meeting of the Court or of any person making a presentment failing to comply with a ruling of the chairman, the chairman may suspend the public meeting of the Court forthwith.
10. Subject to the overriding decision of the Court in any case, the Deputy Surveyor of the New Forest may be invited to attend committee meetings of the Court. Such other persons may be invited to attend as the Official Verderer may approve on the request of any Verderer or the Clerk. At the Court's discretion, the Deputy Surveyor or any person so invited, shall not be present when the matter in hand is debated and decided upon.

11. The proceedings of the Court of Swainmote shall, except as provided otherwise by Act of Parliament, be in accordance with the proceedings of a magistrates' court, as to which the chairman will take the professional advice of the Clerk to the Swainmote Court.
12. The preparation of all business to be considered by a Court of Swainmote shall be the sole responsibility of those Verderers who are not members of the Swainmote Court assisted by the Court's legal advisers and officers.
13. Applications by the Forestry Commission for the consent of the Court to minor matters shall be advised in advance, circulated and a recommendation prepared jointly by the Clerk and the Verderer(s) in whose area the application is.
14. When considering presentments the Verderers will not only take into consideration counter presentments but also have regard to their own published policies.
15. Decisions made by the Court will be advised directly to the persons or bodies involved and announced at the following Open Court.
16. Decisions will be recorded as Resolutions.
17. Development Applications - the Legal Position

There is a clear distinction between matters which must be referred to the Verderers by Presentment and those where it is desirable that a Presentment should be made in the public interest, but where there is no obligation on the applicant to do so. A summary of the legal position is set out below in respect of the more important powers:

Act	Section	Subject	Consultation Required	Consent Required	Presentment Required
1949	7	Electoral Districts	Yes		
	11	Open Forest Maintenance	Yes		
	12	Timber Inclosures			Yes
	13	A&O Inclosures			Yes
	14	Cultivations			Yes
	16	A31 Works		Yes	
	17	Highway Works		Yes	
	18	Wires & Pipes		Yes	
		Recreation Land		Yes	
		Car Parks		Yes	
		Land Exchanges		Yes	
1964	3	Fencing (various)			*Yes
	4	A35 Fencing		Yes	
	5	Access to Perambulation		Yes	
	6	Campsites & Facilities		Yes	
	10	New Ornamental Woods			Yes
		A&O Maintenance	Yes		
1967	47	FC Byelaws	Yes		
1970	1	Countryside Act Powers		Yes	
		Countryside Act Enclosures		Yes	
	2	A337 Fencing		Yes	
	3	Grazing Improvement			*Yes

* = Public announcement by Verderers and consultation required.

18. It is the Court's policy that decisions should not be made on "controversial" matters until after the next public Court. It is also generally understood that requests for significant land appropriations should be by Presentment irrespective of the legal requirements.
19. In order to ensure that appropriate publicity is given to important applications, applicants must put requests for developments in writing to the Verderers' office at least two weeks before the Court at which they hope for a decision without a presentment. The Clerk will then refer the application to the

Official Verderer and at least one elected Verderer who will generally be the one living nearest to the proposed development. They will not have the power to decide the application. If either considers that the matter is controversial or significant in Forest terms, the applicant will be asked to make a Presentment which will be subject to the usual procedures. If the applicant refuses to make a Presentment then the Verderers will themselves make a public announcement that they have received an application and will accept public comments upon it at the next Open Court, before making a decision.

20. Where a member of the Court has a personal or financial interest in a matter being considered at any meeting of the Court, he should disclose that interest, and the declaration shall be recorded in writing.

If a member of the Court believes that his personal or financial interest in a matter being considered by the Court is so significant that a member of the public may regard it as being likely to prejudice his judgement, then he should take no further part in the consideration of that matter.

21. Participation in meetings of the Court in committee

1. Subject to the Regulations, Verderers participate in a meeting of the Court or part of a meeting of the Court, when –
 - (a) the meeting has been called and takes place in accordance with the Regulations, and
 - (b) they can communicate to the others any information or opinions they have on any particular item of the business of the meeting.
2. In determining whether Verderers are participating in the meeting of the Court, it is irrelevant where any Verderer is or how they communicate with each other.
3. If all the Verderers participating in the meeting are not in the same place, they may decide that the meeting is to be treated as taking place wherever any of them is.

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