



# New Forest Act 1877

## 1877 CHAPTER cxxi 40 and 41 Vict

### *Exercise of Right of Inclosure*

5 .....<sup>F1</sup>

#### **Textual Amendments**

**F1** Ss. 5, 10–12 repealed by [Wild Creatures and Forest Laws Act 1971 \(c. 47\)](#), s. 1, [Sch.](#)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

---

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

---

#### Textual Amendments

- 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.

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

- C1** [S. 7](#) extended by [New Forest Act 1949 \(c. 69\)](#), [s. 12\(2\)](#)

### 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.

**Changes to legislation:**

There are currently no known outstanding effects for the New Forest Act 1877, Cross Heading:  
Exercise of Right of Inclosure.