

[1 EDW. 8. &
1 GEO. 6.]

*Ashdown Forest
Act, 1937.*

[Ch. lii.]



CHAPTER lii.

An Act to alter the constitution of the Conservators of Ashdown Forest to confer further powers upon the said Conservators and to provide for contributions towards their expenses by certain authorities and for other purposes.

A.D. 1937.

[1st July 1937.]

WHEREAS the common lands in the administrative county of East Sussex known as Ashdown Forest are regulated by an Order (hereinafter referred to as "the Order of 1885") made by the Land Commissioners of England in pursuance of the Inclosure Acts 1845 to 1878 and scheduled to and confirmed by the Commons Regulation (Ashdown Forest) Provisional Order Confirmation Act 1885 and by an award made pursuant to the said Inclosure Acts for giving effect to the purposes of the Order of 1885 :

48 & 49 Vict.
c. lvi.

And whereas the said common lands form part of the manor of Duddleswell and the soil thereof is vested in the lord for the time being of the said manor subject to the commonable rights of the commoners interested in Ashdown Forest :

And whereas provision was made by the Order of 1885 and the said award for the administration of the purposes thereof by a body of conservators of whom the lord for the time being of the said manor or his nominee

A.D. 1937. — is one and the remainder are elected from time to time by the said commoners in manner provided by the said award :

And whereas the said common lands are situate in the rural district of Uckfield and are in close proximity or adjacent to the urban district of East Grinstead and the rural district of Cuckfield all in the said administrative county of East Sussex and constitute an amenity and place of resort for the inhabitants of the said districts :

And whereas the expenses incurred by the said Conservators are as to the greater part thereof defrayed out of the proceeds of rates levied by them from time to time upon the said commoners :

And whereas it has been agreed between the said Conservators and the councils of the said administrative county and urban and rural districts that the said councils shall contribute towards the expenses of the said Conservators as provided by this Act and that in consideration of such contributions the said councils shall be entitled to appoint representatives upon the body of Conservators of the said forest :

And whereas it is expedient that for the purpose of giving effect to the said agreement and for the better and more efficient regulation of Ashdown Forest the Order of 1885 and the said award should be amended as provided by this Act and that such powers as are contained in this Act should be conferred upon the said Conservators and upon the said councils :

And whereas it is expedient that such other provisions as are contained in this Act should be enacted :

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title.

1. This Act may be cited as the Ashdown Forest Act 1937.

2. In this Act unless the subject or context otherwise requires— A.D. 1937.

“ the Order of 1885 ” means the Provisional Order of regulation made by the Land Commissioners of England in pursuance of the Inclosure Acts 1845 to 1878 and scheduled to and confirmed by the Commons Regulation (Ashdown Forest) Provisional Order Confirmation Act 1885;

Interpre-
tation.

“ the award ” means the award made by William Augustus Raper in the matter of the regulation of the forest and signed by him on the twenty-eighth day of March one thousand eight hundred and eighty-seven and sealed and confirmed by the Land Commissioners for England on the thirty-first day of March in the same year;

“ the map ” means Part I of the map annexed to the award;

“ the forest ” means so much of the lands called or known as Ashdown Forest situate in the rural district of Uckfield in the administrative county of East Sussex as is delineated on the map and thereon coloured green and red;

“ the appointed day ” means the first day of January one thousand nine hundred and thirty-eight;

“ the Conservators ” means the Conservators of the forest for the purposes of the Order of 1885 and the award as respectively amended or extended by this Act and “ Conservator ” shall be construed accordingly;

“ the elected Conservators ” means the persons for the time being holding the office of Conservator under or by virtue of the section of this Act of which the marginal note is “ Elected Conservators ” and “ elected Conservators ” shall be construed accordingly;

“ the appointed Conservators ” means the persons for the time being holding the office of Conservator under or by virtue of the section of this Act of which the marginal note is “ Appointed Conservators ” and “ appointed Conservator ” and “ appointed Conservators ” shall be construed accordingly;

A.D. 1937.

“the lord of the manor” means the lord of the manor of Duddleswell for the time being;

“the existing Conservators” means the persons holding the office of Conservator under or by virtue of the award immediately before the appointed day other than the lord of the manor or his nominee;

“the county” means the administrative county of East Sussex;

“the county council” means the county council of the county;

“the East Grinstead Council” means the urban district council of the urban district of East Grinstead;

“the Uckfield Council” means the rural district council of the rural district of Uckfield;

“the Cuckfield Council” means the rural district council of the rural district of Cuckfield;

“the local authorities” means the county council the East Grinstead Council the Uckfield Council and the Cuckfield Council and “local authority” means any of those councils or that one of those councils in relation to which the expression is used (as the case may be);

“the revenues of the Conservators” means all the revenues of the Conservators of whatever sort or from whatsoever source derived other than any sums of money payable to the Conservators by the local authorities or any of them pursuant to this Act;

“the county fund” means the county fund of the county;

“the Minister” means the Minister of Agriculture and Fisheries; and

“year” means a period of twelve months commencing on the first day of January.

Constitu-
tion of Con-
servators.

3.—(1) On the thirty-first day of December one thousand nine hundred and thirty-seven the existing Conservators shall go out of office and on and from the appointed day the Conservators shall consist of the lord

of the manor or his nominee appointed in manner provided by the award and nine elected Conservators and ten appointed Conservators. A.D. 1937.

(2) As from the appointed day the said lord or his nominees and the elected Conservators and the appointed Conservators shall be the Conservators of the forest for all the purposes of the Order of 1885 and the award as respectively amended or extended by this Act.

4.—(1) On and from the appointed day the following persons (in this section referred to as “the first elected Conservators”) shall subject to the provisions of this Act and of the award (in so far as the award is not inconsistent with this Act) hold the office of Conservator as elected Conservators (that is to say):— Elected Conservators.

Herbert Ronald Hardy Major the Honourable
Rupert Edward Selbourne Barrington D.S.O.
George Demaine Haslam Lieutenant-Colonel
George Ralph Miller William Mitchell John
Rowe Frank Tyler Ridley Harry Waters and
Sidney John Marsh :

Provided that if any of the persons named in this subsection shall before the appointed day—

- (a) die; or
- (b) become incapable of acting as a Conservator by reason of infirmity of mind or body or for any other reason; or
- (c) intimate in writing to the clerk of the Conservators his unwillingness to act as a Conservator on or after the appointed day;

another person shall be nominated in his stead by the persons for the time being holding the office of Conservator under or by virtue of the award and the provisions of this section shall apply and have effect as if the person so nominated had been named in this subsection in lieu of the person in whose stead he was nominated.

(2) The first elected Conservators shall go out of office as follows (that is to say):—

three on the thirty-first day of December one thousand nine hundred and thirty-eight;

A.D. 1937.
—

three others on the thirty-first day of December one thousand nine hundred and thirty-nine; and

the remainder on the thirty-first day of December one thousand nine hundred and forty;

but any of the first elected Conservators so going out of office shall be eligible for election or re-election as elected Conservators.

(3) At meetings of the Conservators held respectively in the years one thousand nine hundred and thirty-eight and one thousand nine hundred and thirty-nine it shall be determined by lot which three of the first elected Conservators shall go out of office on the said thirty-first day of December one thousand nine hundred and thirty-eight and which three of the remainder of the first elected Conservators shall go out of office on the said thirty-first day of December one thousand nine hundred and thirty-nine.

(4) Subject to the foregoing provisions of this section with respect to the first elected Conservators the elected Conservators shall be elected by the commoners interested in the forest out of their number.

(5) The term of office of the elected Conservators other than the first elected Conservators shall be three years.

(6) An election of three persons to take the place of the three Conservators going out of office on the thirty-first day of December in any year pursuant to subsections (2) and (3) or subsection (5) of this section shall be held by the commoners interested in the forest at a meeting to be held in that month.

(7) The provisions of the award relating to the following matters (that is to say) :—

the notices of meetings of the commoners interested in the forest for the election of Conservators;

the manner of electing Conservators and the voting rights of the said commoners;

the eligibility for re-election of an outgoing Conservator;

the resignation of a Conservator; and

the filling up of casual vacancies;

[1 EDW. 8. &
1 GEO. 6.]

*Ashdown Forest
Act, 1937.*

[Ch. lii.]

shall with all necessary modifications extend and apply to and in relation to the elected Conservators and the election eligibility resignation and filling up of casual vacancies in the number of such Conservators but shall not apply to or in relation to the appointed Conservators.

A.D. 1937.

5.—(1) Each local authority shall at a meeting to be held on or before the thirty-first day of December in the year one thousand nine hundred and thirty-seven and in the year in which every subsequent period of three years expires appoint such number of Conservators as the appointing authority are by this Act authorised to appoint to hold office for the period of three years from the first day of January next after their appointment.

Appointed
Con-
servators.

(2) The appointed Conservators shall consist of ten persons who shall be appointed as follows:—

- five to be appointed by the county council;
- one to be appointed by the East Grinstead Council;
- three to be appointed by the Uckfield Council;
- and
- one to be appointed by the Cuckfield Council.

(3) An appointed Conservator vacating office shall subject to the provisions of this Act be eligible for re-appointment.

(4) A person shall not be qualified to be an appointed Conservator unless he is a member of the local authority by whom he is appointed.

(5) A person who is a member of two or more of the local authorities shall not be qualified to represent more than one of them and if the same person shall be appointed a Conservator by more than one local authority he shall within one month after the second appointment choose under which appointment he will serve and the other appointment shall be deemed void.

(6) If an appointed Conservator ceases to be a member of the local authority by whom he was appointed he shall cease to be a Conservator Provided that for the purposes of this subsection an appointed Conservator shall not be deemed to have ceased by reason of retirement to be a member of such local authority if he has been re-elected a member thereof not later than the day of his retirement.

A.D. 1937.

(7) An appointed Conservator may at any time resign his office as such Conservator by notice in writing signed by him and delivered to the clerk of the Conservators and his resignation shall take effect upon the receipt of such notice by the said clerk. The said clerk shall as soon as practicable after the receipt of any such notice forward a copy thereof to the local authority by whom the Conservator so resigning was appointed.

(8) An appointed Conservator may be removed at any time by resolution of the local authority by whom he was appointed and the clerk of the local authority shall send to the clerk of the Conservators a copy of such resolution forthwith after the passing thereof.

(9) On any vacancy happening in the number of appointed Conservators owing to an appointed Conservator dying resigning or becoming disqualified or otherwise ceasing to be an appointed Conservator the local authority by whom he was appointed may at any time after the happening of such vacancy appoint another person to be an appointed Conservator in his place but such other person shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue in office.

Notifica-
tion of
appoint-
ment of
appointed
Con-
servators.

6. Whenever an appointment of an appointed Conservator has been made the clerk of the local authority by whom the appointment was made shall by writing under his hand notify the appointment to the clerk of the Conservators and every such notification shall be conclusive evidence of such appointment.

Proceedings
not in-
validated.

7. The proceedings of the Conservators shall not be invalidated by any vacancy among their number or by any defect in the election appointment or qualification of any Conservator.

As to
equality of
voting.

8. In case of an equality of votes at any meeting of the Conservators the chairman of the meeting shall have a second or a casting vote.

Power to
set aside
parts of
forest for
parking
places.

9. In addition to the powers exerciseable by the Conservators under or by virtue of the Order of 1885 and the award the Conservators may from time to time with the consent in writing of the Minister and of the lord of the manor or his nominee appointed in manner provided by the award set apart reserve or permit

[1 EDW. 8. &
1 GEO. 6.]

Ashdown Forest
Act, 1937.

[Ch. lii.]

to be used such part or parts of the forest as they may think fit for the parking of vehicles elsewhere than on a public highway and for access to any part or parts so set apart reserved or permitted to be used and may adapt and maintain or permit to be adapted or maintained for those purposes the part or parts of the forest set apart reserved or permitted to be used for those purposes.

A.D. 1937.

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10.—(1) The Conservators may make such charges as may from time to time be approved by the Minister for the use of any parking place provided on any part or parts of the forest set apart reserved or permitted to be used for that purpose under the powers of the section of this Act of which the marginal note is "Power to set aside parts of forest for parking places" and may recover in any court of competent jurisdiction as a debt due to the Conservators the amount of any charges so made and for the time being unpaid.

Power to
Conserva-
tors to
make
charges.

(2) (a) At the same time as the Conservators make any application to the Minister for his approval under this section they shall give to the Automobile Association and the Royal Automobile Club notice in writing of such application and such notice shall be accompanied by a copy of any scale of charges which the Conservators submit to the Minister with their application.

(b) Before giving any such approval the Minister shall consider any representations which may be made to him by the Automobile Association and the Royal Automobile Club or either of them within one month of the date of the notice given to them by the Conservators pursuant to paragraph (a) of this subsection and the Minister may if he thinks fit hold an inquiry with reference to the proposed scale of charges.

11. The powers of the Conservators of making and enforcing byelaws under or by virtue of the Order of 1885 and the award shall be extended so as to enable them to make and enforce byelaws for regulating the use of and the conduct of persons resorting to any part of the forest set apart reserved or permitted to be used as a parking place under the powers of the section of this Act of which the marginal note is "Power to set aside parts of forest for parking places."

Byelaws.

A.D. 1937.

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Natural con-
ditions of
forest to be
preserved.

12. It shall be the duty of the Conservators subject to the provisions of the Order of 1885 of the award and of this Act at all times as far as possible to protect the forest from encroachments and trespasses and to preserve it in its natural condition Provided that the provisions of this section shall not restrict the discretion of the Conservators to assent to or acquiesce in—

- (a) the exercise by the county council of their statutory powers as a highway authority; or
- (b) the obtaining of further statutory powers by the county council for or in connection with the construction or widening of a highway in the forest.

Borrowing
powers.
23 & 24
Geo. 5. c. 51.

13.—(1) The provisions of Part IX (Borrowing) of the Local Government Act 1933 and of the regulations made thereunder so far as they are not inconsistent with the provisions of this Act shall extend and apply to the Conservators and to money borrowed by the Conservators as if—

- (a) the Conservators were a local authority within the meaning of the said Act of 1933;
- (b) the money so borrowed were borrowed under the said Part IX;
- (c) the revenues of the Conservators and any sums payable to the Conservators by the local authorities or any of them pursuant to this Act were the general rate fund or the revenues of such a local authority as aforesaid;

and subject to any other modifications which may be necessary to adapt the said Part IX and regulations for the purposes of this section.

(2) In the application of the said Part IX to the borrowing of money by the Conservators the Minister of Health shall be the sanctioning authority Provided that the said Minister before giving his consent to the borrowing of any sum by the Conservators shall consider any representations in writing which may be made to him with respect thereto by any of the local authorities within twenty-one days after the receipt by him of the application of the Conservators for his consent.

14. For the purposes of the definition of "statutory securities" in section 218 (Definitions) of the Local Government Act 1933 any securities created by the Conservators shall be deemed to be securities created by a local authority within the meaning of the said Act of 1933.

A.D. 1937.

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As to
securities
of Con-
servators.

15.—(1) The following provisions shall have effect with respect to the expenses (other than expenses defrayed or to be defrayed out of borrowed moneys) incurred by the Conservators in respect of any year commencing on or after the appointed day (that is to say):—

Expenses
of Con-
servators.

- (a) To the extent of a sum equal to the normal income of the Conservators in that year the said expenses shall be defrayed out of the revenues of the Conservators;
- (b) To the extent (if any) by which the said expenses exceed a sum equal to the normal income of the Conservators in that year such expenses shall (subject to the provisions of this section) be defrayed out of the contributions to be paid by the local authorities to the Conservators as hereinafter provided; and
- (c) If and to the extent to which such contributions shall be insufficient to meet the said excess such excess shall be defrayed out of the revenues of the Conservators.

(2) In respect of any year in which the said expenses of the Conservators as shown by the accounts made up and audited in accordance with the section of this Act of which the marginal note is "Accounts of Conservators" exceed a sum equivalent to the normal income of the Conservators in that year the local authorities shall pay to the Conservators in the following proportions an aggregate sum in discharge of or by way of contribution towards the amount of such excess (that is to say):—

- five-tenths by the county council;
- one-tenth by the East Grinstead Council;
- three-tenths by the Uckfield Council;
- one-tenth by the Cuckfield Council:

A.D. 1937.

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Provided that the aggregate amount to be paid by the local authorities to the Conservators pursuant to the foregoing provisions of this section in respect of any one year shall not exceed the sum of five hundred pounds or a sum equivalent to the difference between the normal income of the Conservators and one thousand pounds whichever of such sums shall be the less :

Provided also that notwithstanding anything in the foregoing provisions of this section any local authority may in any year if they think fit make contributions towards the expenses of the Conservators in excess of the sums payable by them pursuant to those provisions.

(3) For the purposes of this section the normal income of the Conservators in any year shall be deemed to be the aggregate of—

- (a) the amount which would be produced by a rate levied upon the owners of rights of common upon the forest of sixpence for each acre or part of an acre of the land owned by such owners respectively to which such rights of common are attached; and
- (b) any revenue or income of the Conservators in that year derived from any source other than (i) rates levied upon the said owners of rights of common and (ii) any sum or sums paid or payable by the local authorities or any of them pursuant to this Act.

Contribu-
tions by
local
authorities.

16.—(1) Before the first day of March in each year commencing on or after the appointed day the Conservators shall cause to be prepared a detailed estimate of their receipts (other than any sums payable by the local authorities pursuant to this Act) and expenditure (other than expenditure to be defrayed out of borrowed moneys but including the interest on and the sum required to be set aside towards the repayment of any money borrowed by the Conservators) in respect of that year (which estimate may include an amount to provide a working balance) and a statement showing the amounts which will be payable by the local authorities respectively on the basis of that estimate pursuant to the section of this Act of which the marginal note is “Expenses of Conservators.”

(2) The Conservators shall as soon as may be send a copy of the said estimate and statement to each of the local authorities. A.D. 1937. —

(3) The amounts shown by the said estimate and statement to be payable by the local authorities respectively shall be paid by those authorities by two equal instalments on the first day of April and the first day of October in each year.

(4) If the amount or the aggregate of the amounts paid in respect of any year commencing on or after the appointed day by any of the local authorities to the Conservators pursuant to subsection (3) of this section shall be less than the amount payable by that authority pursuant to the section of this Act of which the marginal note is "Expenses of Conservators" the amount of such deficiency shall be paid to the Conservators by that authority within six weeks after the receipt of a demand in writing therefor.

(5) If the amount or the aggregate of the amounts paid in respect of any year commencing on or after the appointed day by any of the local authorities to the Conservators pursuant to subsection (3) of this section exceeds the amount payable by that authority in respect of that year pursuant to the said section of this Act of which the marginal note is "Expenses of Conservators" the amount of such excess shall be carried forward by the Conservators in their accounts to the credit of that authority and shall be deducted from the amount due by that authority in respect of the next year in respect of which sums are payable by the local authorities to the Conservators pursuant to this Act.

(6) If any local authority fail—

- (a) to pay to the Conservators on the dates appointed for that purpose by subsection (3) of this section any instalment of any amount payable by that local authority according to an estimate and statement sent to them pursuant to subsection (2) of this section; or
- (b) to pay to the Conservators within six weeks after the receipt from the Conservators of a demand in writing therefor the amount of any deficiency payable by that local authority pursuant to subsection (4) of this section;

A.D. 1937. — the amount or instalment so unpaid shall be a debt due to the Conservators from such local authority and shall bear interest at the rate of four per centum per annum until payment and any such amount or instalment and interest shall be recoverable by the Conservators in any court of competent jurisdiction.

Power to local authorities to make advances to Conservators.

17. Any of the local authorities may in any year advance moneys to the Conservators for the purpose of enabling the Conservators to defray expenses incurred or to be incurred by them in respect of that year (other than expenses defrayed or to be defrayed out of borrowed moneys) before the receipt by them of the sums payable by the local authorities in respect of that year in pursuance of this Act and any moneys so advanced shall be credited to the local authority by whom they were advanced and shall be set off against the sum which would otherwise be payable to the Conservators by that local authority in respect of that year.

Accounts of Conservators.

18.—(1) The accounts of the Conservators and of their officers for each year commencing on or after the appointed day shall be subject to audit by a district auditor.

(2) As soon as practicable after the completion of the audit the clerk of the Conservators shall forward to the clerk of each of the local authorities a copy of the accounts of the Conservators and of any report to the Conservators made by the district auditor.

Expenses of local authorities.

19. Any sums payable to the Conservators by the local authorities under or in pursuance of this Act shall be defrayed—

- (a) in the case of the county council out of the county fund as expenses for general county purposes;
- (b) in the case of the East Grinstead Council out of the general rate fund of their district; and
- (c) in the case of the Uckfield Council or the Cuckfield Council out of the general rate fund of their respective districts as general expenses.

Recovery of arrears of rates.

20.—(1) Notwithstanding anything contained in any enactment or in the award any arrears of rates levied by the Conservators may be recovered by them

[1 EDW. 8. &
1 GEO. 6.]

*Ashdown Forest
Act, 1937.*

[Ch. lii.]

in the same manner in which arrears of a general rate may for the time being be recovered by a rating authority within the meaning of the Rating and Valuation Act 1925.

A.D. 1937.

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15 & 16
Geo. 5. c. 90.

(2) The Conservators may either generally or in respect of any special proceedings by resolution authorise their clerk to institute carry on or defend any proceedings in relation to rates which the Conservators have power themselves to institute carry on or defend.

21. The Minister may hold or cause to be held such inquiries as he may consider necessary in regard to the giving by him of any consent or approval under this Act and the provisions of subsections (2) (3) (4) and (5) of section 290 of the Local Government Act 1933 shall apply to any such inquiry as they apply to local inquiries held under that section but as if for references to a department there were substituted therein references to the Minister.

Inquiries by
Minister.

22. Such of the provisions of the award as are inconsistent with any of the provisions of this Act shall be and are hereby annulled as on and from the appointed day but save as aforesaid the award shall continue to have full force and effect.

Partial
amendment
of award.

23. Nothing in this Act shall prejudice or affect the operation of or derogate from any of the provisions of the Town and Country Planning Act 1932 or of the Restriction of Ribbon Development Act 1935.

Saving for Town
and Country
Planning Act
1932 and
Restriction of
Ribbon Develop-
ment Act 1935.
22 & 23 Geo. 5.
c. 48.
25 & 26 Geo. 5.
c. 47.

24. Nothing in this Act shall affect prejudicially or alter any estate right interest privilege exemption or authority of or enjoyed by the lord of the manor in or over the forest or any part thereof or the soil or any part of the soil thereof.

Saving
rights of
lord of
manor.

25.—(1) The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall in the first instance be paid by the Conservators out of the revenues of the Conservators but to the extent to which the sum so paid by the Conservators exceeds one hundred pounds and

Costs of
Act.

A.D. 1937. — does not exceed eight hundred and fifty pounds shall be repaid to them by the local authorities in the same proportions as the sums payable by the local authorities under the section of this Act of which the marginal note is “Expenses of Conservators.”

(2) The repayment of money to the Conservators by the local authorities pursuant to this section shall for the purposes of the Local Government Act 1933 be deemed to be a purpose for which the local authorities may respectively borrow money.

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