



CHAPTER xlvii

An Act to provide for the vesting in the Secretary of State for War of certain lands in the county of Sussex forming part of Ashdown Forest and for the acquisition and addition to the forest of other lands in exchange therefor to make provision for the use of the forest for the purposes of military training and for other purposes. [30th July 1949.]

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) 48 & 49 Vict. 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: 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 (hereinafter referred to as "the Conservators"):

And whereas by the Ashdown Forest Act 1937 the constitution of the Conservators was altered and the Order of 1885 and the said award were amended and further powers were conferred upon the Conservators: c. lii.

2 & 3 Geo. 6.
c. 62.

And whereas during the late war possession of the said common lands was taken on behalf of the War Department under the Defence (General) Regulations 1939 made under the Emergency Powers (Defence) Act 1939 and those lands were used by the armed forces of the Crown for training purposes:

And whereas an area forming part of the said common lands and comprising 54 acres or thereabouts has been appropriated by the War Department for the purposes of and is laid out as a military camp known as St. John's Camp Crowborough:

And whereas it is expedient that provision should be made for the permanent use of the said camp by the War Department and for the exclusion of the site of the said camp from the said common lands and for the extinguishment of all commonable and other rights attaching thereto:

And whereas it is expedient that provision should be made as in this Act provided for acquisition and the addition to the said common lands of another area of land in exchange for the site of the said camp:

And whereas it is expedient that provision should be made for the use of the said common lands by the military forces of the Crown for the purposes of training subject to the restrictions and conditions herein contained:

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 obtained without the authority of Parliament:

And whereas His Majesty's Secretary of State for the War Department has agreed to repay to the Conservators the costs incurred by them in or in connection with the acquisition and addition to the said common lands of such other area as aforesaid and the costs charges and expenses of this Act as herein defined:

And whereas a plan showing the lands which may be vested in the said Secretary of State under the powers of this Act and a book of reference to that plan containing the names of the owner or reputed owner and of the occupiers of those lands were duly deposited with the clerk of the county council of the administrative county of East Sussex:

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 (that is to say):—

Short title.

1. This Act may be cited as the Ashdown Forest Act 1949.

2. In this Act unless the subject or context otherwise Interpretation.
requires—

“ the date of vesting ” means the first day of September one thousand nine hundred and forty-nine ;

“ the signed plans ” means the plans marked “ A ” and “ B ” signed in quintuplicate by Francis George Bowles the chairman of the committee of the House of Commons to whom the Bill for this Act was referred of which plans one copy has been deposited in the Parliament Office House of Lords one copy in the Private Bill Office of the House of Commons one copy with the Secretary of State one copy with the Minister and one copy with the clerk of the Conservators ;

“ the lands coloured green ” means the lands coloured green on the plan marked “ A ” and signed as aforesaid ;

“ the substituted lands ” means the lands acquired by the Conservators under the powers of section 4 (Acquisition of lands to be added to forest) of this Act ;

“ the Secretary of State ” means His Majesty’s Principal Secretary of State for the War Department ;

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

“ 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 ;

“ 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 Act of 1937 ” means the Ashdown Forest Act 1937 ;

“ 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 for the time being subject to the provisions of the award the Order of 1885 the Act of 1937 and this Act and includes the substituted lands as from the date of the transfer of those lands to the lord of the manor ;

“ the Ashdown Forest enactments ” means the Order of 1885 the award the Act of 1937 and this Act ;

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

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

“ the armed forces of the Crown ” shall include members of the Royal Observer Corps cadet forces training corps nursing services or any other auxiliary service ;

“ 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 the Act of 1937 ;

“ the commoners ” means the respective owners entitled to rights of common in the forest and “ commoner ” means any one of the commoners.

Vesting of
lands coloured
green.

3.—(1) On the date of vesting the lands coloured green shall by virtue of this Act be transferred to and become and be vested in the Secretary of State without any deed conveyance or other assurance for an estate in fee simple free from incumbrances.

(2) On the date of vesting the lands coloured green shall be freed from all common or commonable rights and all rights (if any) of recreation exercise or access attaching thereto and shall for all purposes cease to form part of the forest.

(3) As from the date of vesting the Ashdown Forest enactments shall have effect as if the lands coloured green had not been delineated on the map and thereon tinted green and as if the words “ The fir-clump near Crowborough Town ” had been omitted from paragraph (2) of the Order of 1885.

Acquisition
of lands to
be added to
forest.

4.—(1) For the purpose of obtaining land to be added to the forest in exchange for the lands coloured green the Conservators with the approval of the Secretary of State the Minister and the lord of the manor may by agreement purchase or acquire any land which they may think suitable for that purpose Provided that without the consent of the Secretary of State the area of the land so acquired shall not exceed the area of the lands coloured green.

(2) If within twelve months after the passing of this Act the Conservators are unable by agreement to purchase or acquire on terms approved by the Secretary of State any such lands as may be required for the purpose mentioned in subsection (1) of this section they may be authorised by the Minister to purchase land compulsorily for that purpose.

9 & 10 Geo. 6.
c. 49.

(3) The Acquisition of Land (Authorisation Procedure) Act 1946 (except section 2 thereof) shall apply for the purposes of subsection (2) of this section as if the Conservators were a local authority within the meaning of the said Act of 1946 and as if this section were an enactment contained in a public general Act and in force immediately before the commencement of the said Act of 1946.

5.—(1) As soon as reasonably practicable after the purchase or acquisition of the substituted lands the Conservators shall by deed conveyance or other assurance transfer or convey the substituted lands to the lord of the manor for an estate in fee simple to the intent and purpose that the substituted lands shall form part of the manor of Duddleswell and be held by the lord of the manor as part of and for the purposes of the forest. Transfer of substituted lands.

(2) On the transfer or conveyance of the substituted lands to the lord of the manor pursuant to subsection (1) of this section the substituted lands shall for all purposes form part of the forest and shall be subject to the same rights trusts and incidents as attach to the lands delineated on the map and thereon tinted green and accordingly the Ashdown Forest enactments shall as from the date of vesting or the date of such transfer or conveyance (whichever is the later) have effect as if the substituted lands had been delineated on the map and thereon tinted green.

6. The cost incurred by the Conservators in the purchase or acquisition of the substituted lands under section 4 (Acquisition of lands to be added to forest) of this Act and all the reasonable and proper costs charges and expenses incurred by them in or in connection therewith or otherwise in relation thereto (including all reasonable and proper costs charges and expenses incurred by them in pursuance of the said section) or in or in connection with or in relation to the transfer or conveyance of the substituted lands to the lord of the manor pursuant to section 5 (Transfer of substituted lands) of this Act shall be repaid to the Conservators by the Secretary of State. Cost of acquisition and transfer of substituted lands to be repaid by Secretary of State.

7. Notwithstanding anything contained in the Order of 1885 the award or the Act of 1937 the Secretary of State may subject to the provisions of this Act use all or any part of the forest for the training of the armed forces of the Crown except the areas specified in the schedule to this Act. Use of forest for training of armed forces.

8. The use of the forest by the Secretary of State for the training of the armed forces of the Crown shall be subject to the following conditions and restrictions:— Restrictions as to use of forest.

(a) The forest shall not be used for such training except for the following purposes:—

- (i) Tactical training without troops ;
- (ii) Unit training ;
- (iii) Manœuvres on foot ; and

(b) (1) No building structure or erection shall be erected or placed on any part of the forest but nothing in this sub-paragraph shall prevent the erection or placing on the forest while training is in progress of any equipment or apparatus for use by the armed forces of the Crown ;

- (2) No part of the forest shall be used for a camp ;
- (3) No wiring or digging shall take place on any part of the forest ;
- (4) No explosives live ammunition flares or smoke bombs shall be discharged or lighted nor shall any fires be lighted on any part of the forest ;
- (5) No part of the forest shall be used for the ascent or descent of aircraft ;
- (6) Men and materials shall not be dropped from aircraft upon any part of the forest ;
- (7) Vehicles shall be permitted only on public carriage roads in or through the forest which are repairable by the inhabitants at large and on—
- (i) the track leading from the Newbridge to Kidd's Hill road and running in a south-westerly direction towards Birch Wood and Thornhill Farm ;
- (ii) the track leading from New Pond Cottages to the road from Poundgate to Heron's Ghyll ;
- (iii) the track leading from Green Wood Gate Lodge to Kidd's Hill ; and
- (iv) the track leading from a point on the Newbridge to Kidd's Hill road south-eastward of New Lodge reservoir and running in a north-easterly direction to the Kidd's Hill to Chuck Hatch road ;
- and the use of the above tracks shall be subject to the further limitations and restrictions mentioned in section 10 (As to use of tracks) of this Act ;
- (8) No person shall be excluded from access to the forest or any part thereof by reason of the use of the forest or any part thereof for such training as aforesaid ;
- (9) The Secretary of State shall not use the forest or any part thereof under the powers of this Act so as to interfere—
- (a) with the exercise by the lord of the manor the Conservators the commoners or the public of any rights powers or privileges possessed by them respectively over the forest or any part thereof ; or
- (b) with the preservation of the forest in its natural condition.

As to compensation for damage &c.

9.—(1) If by reason of the use of the forest or any part thereof for the training of the armed forces of the Crown any damage or injury shall be caused to—

- (a) the forest or any part thereof ; or

(b) any person lawfully using the forest or any part thereof ;
or

(c) any animal for the time being thereon by virtue of the exercise of the rights of any commoner or any game or the rights of sporting of the lord of the manor ;

the Secretary of State shall make good such damage or injury or pay compensation therefor and if any loss shall be suffered by any person by reason of any interference with his lawful enjoyment and use of the forest or any part thereof the Secretary of State shall pay compensation to the Conservators or any such person as aforesaid for any loss suffered by them or him by reason of any such interference :

Provided that the Secretary of State shall not be liable under this section—

(i) for any act or omission of any person who is not a member of the armed forces of the Crown or a servant of the Crown ; or

(ii) to pay compensation for any damage injury or loss due solely to the negligence or wrongful act or omission of the person by whom such damage injury or loss is suffered :

Provided also that nothing in this section shall prejudice or affect the operation of the Law Reform (Contributory Negligence) Act 1945 or of section 10 of the Crown Proceedings Act 1947.

8 & 9 Geo. 6.
c. 28.
10 & 11 Geo. 6.
c. 44.

(2) Any compensation payable in respect of damage or injury to the forest or any part thereof shall be paid to the Conservators.

10.—(1) The tracks referred to in sub-paragraph (7) of paragraph (b) of section 8 (Restrictions as to use of forest) of this Act may be used for the training of the armed forces of the Crown by vehicles of the following classes :—

(a) light carriers ; and

(b) wheeled vehicles of all types constructed to carry loads up to but not exceeding fifteen hundredweight ;

but not any other class or classes of vehicle.

(2) For the purposes of this Act the width of the tracks referred to in the said sub-paragraph (7) shall not exceed thirty feet in any one place and as soon as reasonably practicable after the passing of this Act the Secretary of State shall cause the boundaries of the said tracks to be marked by boundary posts set up at regular intervals not exceeding twenty yards.

(3) For the purposes aforesaid the Secretary of State may metal or otherwise make up and from time to time repair so much of the track leading from the Newbridge to Kidd's Hill road and running in a south-westerly direction to Birch Wood and Thornhill Farm as is situate in the forest:

Provided that if at any time after the said track has been metalled or otherwise made up as aforesaid the Secretary of State shall determine that it is unnecessary for the purposes of the training of the armed forces of the Crown to maintain the said track as a metalled track or as so made up the Secretary of State shall give notice in writing of such determination to the Conservators and shall if required by the Conservators so to do repair the track to the reasonable satisfaction of the Conservators so as to make it fit for pedestrian and light vehicular traffic but shall after the said track has been so repaired not be under any obligation to maintain the same.

Preservation
of amenities
at Crow-
borough
Camp.

11. The Secretary of State shall as soon as practicable after the date of vesting cause the buildings and structures for the time being erected on the lands coloured green to be painted or camouflaged or such other steps to be taken so as so far as is reasonably practicable at all times to preserve the amenities of the neighbouring parts of the forest.

Crown rights.

12. Nothing in this Act shall abridge prejudice derogate from or affect any prerogative or statutory rights or powers of the Crown.

Costs of Act.

13. 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 but shall be repaid to them by the Secretary of State.

The SCHEDULE referred to in the foregoing Act**LANDS FORMING PART OF THE FOREST WHICH MAY NOT BE USED
FOR TRAINING**

The land leased to the Royal Ashdown Forest Golf Club and coloured blue on the signed plans.

The recreation grounds at Nutley Forest Row Danehill Colemans Hatch and Fairwarp which are coloured red on the signed plans and any recreation ground for the time being licensed by the Conservators.

The lands within the banks forming the respective boundaries of the following view points:—

- The fir-clump adjacent to the fence of Broadstone Warren ;
- The fir-clump adjacent to Wych Cross ;
- The fir-clump known as Camp Hill near Duddleswell House ;
- The fir-clump northward of the enclosure known as Crows Nest ;
- The fir-clump known as King's Standing ;
- The fir-clump known as Gills Lap ;
- The fir-clump on the highest part of the forest near the Lodge.

Any land for the time being forming part of a dwelling-house or the curtilage thereof including any garden or other enclosure used in connection with such dwelling-house and enclosed by a fence wall or hedge.