



## CHAPTER lvi.

An Act to confirm the Provisional Order for the Regulation of Ashdown Forest, situate in the parishes of East Grinstead, Hartfield, Withyham, Buxted, Maresfield, and Fletching, in the county of Sussex, in pursuance of a report of the Land Commissioners for England. A.D. 1885.

[16th July 1885.]

**W**HEREAS the Land Commissioners for England, did, in pursuance of the Inclosure Acts, 1845-1878, issue in the year one thousand eight hundred and eighty-five the Provisional Order of Regulation set forth in the Schedule hereto, and in a special report certified that it was expedient that the same should be confirmed by Parliament: 8 & 9 Vict.  
c. 118., &c.

And whereas a Committee of the House of Commons, to which the same Provisional Order was referred, recommended that the same should be confirmed without modification:

And whereas the said Regulation cannot be proceeded with without the previous authority of Parliament:

Be it therefore enacted by the Queen'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:

1. The Provisional Order of Regulation set forth in the Schedule to this Act is hereby confirmed. Confirmation  
of Provi-  
sional Order.

2. This Act may be cited as the Commons Regulation (Ashdown Forest) Provisional Order Confirmation Act, 1885. Short title.

A.D. 1885.

SCHEDULE.

PROVISIONAL ORDER for the Regulation of a COMMON.

WHEREAS persons interested in certain lands called or known as Ashdown Forest (herein-after referred to as the forest), situate in the parishes of East Grinstead, Hartfield, Withyham, Buxted, Maresfield, and Fletching, all in the county of Sussex, such lands being a common within the meaning of the Inclosure Acts, 1845 to 1878, have made application to the Land Commissioners for England to issue a Provisional Order for the regulation of the forest, and to certify that it is expedient that such Provisional Order should be confirmed by Parliament :

And whereas it has been made to appear to the said Commissioners that the persons making the said application represent at least one-third in value of such interests in the forest as are proposed to be affected by the Provisional Order :

And whereas the said Commissioners, having taken the said application into consideration, were satisfied that a primâ facie case had been made out, and that, regard being had to the benefit of the neighbourhood as well as to private interests, it was expedient to proceed further in the matter, and accordingly ordered a local inquiry to be held by an Assistant Land Commissioner :

And whereas the said Assistant Commissioner, having caused public notice to be given as required by the said Acts, held, pursuant to the said notice, public meetings at the Nutley Inn, Nutley, in the said parish of Maresfield, on the nineteenth and twentieth days of November one thousand eight hundred and eighty-three, at the respective hours of eleven in the forenoon and seven in the evening, to hear all persons desirous of being heard on the subject-matter of the said application, and any information or evidence which might be offered in relation thereto, and inquired into the correctness of the statements in the said application, and otherwise into the expediency of making the Provisional Order applied for, and into the nature of the provisions to be inserted in such Provisional Order :

And whereas the said Assistant Commissioner inspected the forest as required by the said Acts :

And whereas the said Assistant Commissioner duly reported in writing to the said Commissioners the result of the local inquiry and of the public meetings held by him, together with the information obtained by him as to the several particulars in the said application, and all other information required by the said Acts, and annexed to his report a sketch map of the forest, a copy of which map is deposited in the office of the said Commissioners :

And whereas the Right Honourable Reginald Windsor Earl De La Warr is lord of the manor of Duddleswell, and as such is entitled to the soil of the forest :

Now, therefore, in pursuance of the powers given to us by the said Acts, we, the Land Commissioners for England, being satisfied that, having regard to the

benefit of the neighbourhood as well as to private interests, the regulation of the forest is desirable, have framed, for the consideration of the persons interested, this our draft Provisional Order, specifying the provisions for "improvement" which are to be put in force, and the terms and conditions on which, provided the necessary consents are given thereto, we are prepared to certify that it is expedient the Provisional Order should be confirmed by Parliament; that is to say:—

That for "improvement" the following provisions be put in force, that is to say, provisions for—

(1.) The making or causing to be made byelaws and regulations for the prevention of and protection from nuisances and for keeping order on the forest, such byelaws and regulations to include, among other objects or purposes, all or any of the following objects or purposes, that is to say—

(a.) The protection and regulation of the rights of the commoners.

(b.) The protection of the forest from encroachments and trespasses, and its preservation in its natural condition.

(c.) The prevention of all cutting of turf and other acts tending to damage the surface of the forest.

(d.) The prevention of all cutting of brakes, fern, heather, or litter by any person except the commoners and such tenants and occupiers holding lands and tenements belonging to the lord of the manor as are mentioned or referred to in the judgment of the High Court of Justice dated the sixteenth day of June one thousand eight hundred and eighty two, in the suit *Hale and others v. Earl De La Warr*.

(e.) The regulation of the cutting, taking, and carrying away brakes, fern, heather, and litter.

(2.) The appointment from time to time of Conservators of the forest for the purposes aforesaid.

That, with a view to the benefit of the neighbourhood, the following provisions be made part of the terms and conditions of this Order, subject to such byelaws not unduly restricting the enjoyment of the said provisions as may from time to time be made by the Conservators and confirmed by the Secretary of State, that is to say—

That free access be secured to the following particular points of view, that is to say—

The fir-clump adjacent to the fence of Broadstone Warren;

The fir-clump adjacent to Wyth Cross;

The fir-clump called Camp Hill, near Duddleswell House;

The fir-clump a little north of the old inclosure called Crows Nest;

The fir-clump known as King's Standing, but subject and without prejudice to the rights secured to the said Earl De La Warr by the judgment herein-before referred to;

The fir-clump called Gills Lap;

The fir-clump on the highest part of the forest near the Lodge; and,

The fir-clump near Crowborough Town:

That the trees forming the said several clumps be preserved:

That there be reserved the privilege of playing cricket and other games as follows:

For the inhabitants of Nutley and the neighbourhood, upon that part of the forest at Fords Green which is defined upon the map herein-before referred to by red colour and marked "Cricket Ground";

[Ch. lvi.] *Commons Regulation (Ashdown [48 & 49 VICT.]  
Forest) Provisional Order Confirmation Act, 1885.*

A.D. 1885.

For the inhabitants of Forest Row and the neighbourhood, upon five acres of the forest at Tompsetts Bank at or near the spot marked A. upon the said map;

For the inhabitants of Horsted Keynes and Dane Hill and the neighbourhood, upon that part of the forest near Scowlers Gate which is defined upon the said map by red colour and marked "Cricket Ground";

For the inhabitants of Tanwarp and Duddleswell and the neighbourhood, upon five acres of the forest at or near the spot marked D. upon the said map.

That there be sold such of the existing encroachments upon the forest as have been made since the ninth day of December one thousand eight hundred and sixty-nine (excepting all such inclosures as have been made under the Church Building Acts, the School Sites Acts, or any other Acts giving power to convey land for the purposes of schools, churches, churchyards, and burial places), which said encroachments are situated in various parts of the forest, and together contain an area not exceeding forty-five acres, and that the proceeds of such sales be applied towards defraying the expenses of and incidental to the regulation: Provided that a right of pre-emption, on such terms as the Land Commissioners may approve of, be offered to the occupants of the said encroachments respectively: Provided also, that if the money raised by such sales be found insufficient to defray the said expenses the deficiency shall be raised by means of a rate or rates to be levied upon the respective owners of the rights of common.

That the expenses incurred by the Conservators from time to time in the improvement or protection of the forest be raised by the Conservators by means of rates to be levied upon the respective owners of the rights of common, such rates to be subject to approval by the Land Commissioners under their seal, and all or any of the provisions of the Inclosure Acts, 1845 to 1878, for the recovery of rates shall apply to any rates levied by the Conservators in pursuance of this clause.

In witness whereof we have hereunto affixed our official seal this thirteenth day of March, in the year of our Lord one thousand eight hundred and eighty-five.

L.S.