



THE CONSERVATORS OF ASHDOWN FOREST

COMMONERS AND COMMON RIGHTS

SUMMARY

A Commoner is a person who enjoys a specific Right of Common over Ashdown Forest. These Rights are all registered under the Commons Registration Act 1965. The Act, which deals with commons and village greens throughout the whole country is not specific to Ashdown Forest, which is, therefore, subject to National Regulations. The Registration Authority is East Sussex County Council.

Rights of Common are attached to land and not to people or houses. About 730 properties in and around the Forest have them. The general rule is that, if a property is registered under the Act changes hands, the previous owner loses the Rights and the new owner assumes them. Land not registered under the Commons Registration Act 1965 cannot now be registered; rights can be relinquished by making a Statutory Declaration. Once the rights have been destroyed, they cannot be reinstated.

HOW ONE BECOMES A COMMONER

1. By acquiring the whole or part of a property which has a Right attached, the new owner automatically becomes a Commoner and liable to pay the statutory Forest Rate.
2. The Rights can be exercised without the necessity of registering the acquisition with the Registration Authority provided that :
 - (a) he/she acquires the whole of the land registered under one entry on the Commons Register;
 - (b) he/she can furnish the Clerk to the Conservators with a copy of the appropriate documents, namely Deed of Conveyance or Deed of Transfer, should this be requested.
3. A tenant can also enjoy Rights of Common provided that the Lease or Tenancy Agreement for the whole of the registered property clearly states that the tenant is entitled to exercise Rights. In this case the tenant will enjoy all the Rights, privileges and concessions granted to Commoners in lieu of the landowner
4. If you acquire part of a commonable property through purchase or lease and wish to exercise your Rights, you must furnish the Clerk to the Conservators with a copy of the Deed of Conveyance or Deed of Transfer. The Clerk will then agree to transfer a right to exercise quantifiable Rights of Common which attach to the land. With respect to grazing, this cannot exceed the total number of animals registered to the complete holding. An example might be 'the Right to graze 20

sheep and 4 cattle'. If a proportion of the Rights attached to a holding are thus transferred it follows that the original holding's Rights are reduced accordingly.

5. If you wish to have your Rights entered on the Commons Register, you must apply to the East Sussex County Council. If you wish to relinquish your rights, you can do so by making a declaration by deed which should then be registered with the County Council. This transfers the rights back to the landowner, the Ashdown Forest Trust. The rights cannot be reinstated at a later date.

RIGHTS EXERCISABLE OVER ASHDOWN FOREST

All Commoners will possess some or all of the Rights of Common to a varying degree.

1. Pasture and Herbage (or grazing rights)

Each registration is for a specific number of animals or an apportionment if the land has been divided. The number was based on the size of the holding to which the Right is attached, but the right is to graze over the whole 6,400 acres/2,470 hectares of Ashdown Forest.

Bye-Law 23(a) gives the Conservators power to fix the number of commonable animals which each authorised person may turn out at any one time. In recent years the authority limit grazing has only been used at times of a Foot and Mouth disease threat. Bye-Law 23(b) states that all commonable animals turning out on the Forest shall be marked and the mark registered with the Conservators.

All Commoners turning out commonable animals are requested to keep the Conservators' office informed, not least so that Forest staff can help with any problems. The Rangers can do this only if they know who has animals on the Forest.

2. Estovers

This is the Right to cut birch, willow and alder for use on the ancestral hearth. Estovers can only be granted to the original dwelling registered at the time of the Commons Registration Act 1965. The cutting of estovers is governed by Bye-Law 24 which gives the Conservators power to set aside areas for cutting and to prohibit the use of other areas. In practice a Commoner wishing to cut should contact the Ashdown Forest Centre (01342 823853) and a Ranger will then agree a site which is consistent with conservation, convenient for the Commoner and unlikely to annoy local residents. The cutter must be suitably insured under a Personal Liability Insurance Policy and a copy of cover will be required by the Ranger.

Each Commoner is entitled to 2 cords of wood (1 cord is a stack of wood 4' x 8'/1.25m x 1.25m. Trees must be felled as close to the ground as possible and toppings stacked to rot down. Cutting sites must be left clean and tidy. Bye-Law 24(c) states that in the interest of the quietude of the Forest, power saws are not permitted to be used on a Sunday. All commonable wood must be cleared off the Forest by the end of March. Vehicles must not be taken onto the Forest when the ground is wet.

3. Brakes and Litter

The Right to cut bracken, heather and litter for the principal purpose of bedding down animals in winter on the holding. Bye-Law 24 (a) states that these should only be cut in areas agreed by the Conservators.

4. Voting for a Conservator

Commoners have a right (under the Ashdown Forest Act 1974, amended by Clause 89 of the East Sussex Act 1981) to vote in the election of Conservators, or indeed stand for election should they so wish. The Board of Conservators of Ashdown Forest consists of 16 members. Nine are appointed by East Sussex County Council, one of whom represents the Lord of the Manor (Ashdown Forest Trust), two by Wealden District Council and five are elected by the Commoners, of whom 4 must be commoners. Each Commoner Conservator stands for five years and is elected at the yearly Annual Meeting of Commoners (in March). Postal voting is possible for those Commoners unable to attend the Annual Meeting. All Commoners must complete a Voting Registration Form before the Clerk to the Conservators can accept them on the electoral roll.

FOREST RATES

Commoners are assessed for a Forest Rate dependent upon the acreage of their holding (Table 1). Rates are levied annually as from 1 April and payment is a statutory requirement. The Ashdown Forest Act 1974 (Section 30) allows the Conservators to recover non-payment through the courts.

Forest Rate for 2007/2008			
Category	Area of commonable land (hectares)		Rate (£)
	More than	Less than	
1		0.80	£14.54
2	0.80	6.07	£29.07
3	6.07	40.46	£42.45
4	40.46	80.93	£46.56
5	80.93	121.40	£52.60
6	121.40	161.87	£58.45
7	161.87	202.34	£64.59
8	202.34	242.81	£72.41