

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014
SECTION 59

THE NEW FOREST PUBLIC SPACES PROTECTION ORDER 2022 (NO.2)

1. ORDER

This Order is made by New Forest District Council ("the Council") in exercise of its powers under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and shall be known as The New Forest Public Spaces Protection Order 2022 (No.2) ("this Order").

2. DEFINITIONS

In this Order the following words or phrases are defined as follows:

"Activities"	means: (a) feeding or providing or depositing food for consumption by any New Forest Pony, Horse, Mule or Donkey; or (b) petting or touching any New Forest Pony, Horse, Mule or Donkey;
"Agister"	means a person who is for the time being employed or appointed as an agister by the Verderers;
"Authorised Officer"	means a constable or person authorised in writing by the Council for the purposes of this Order;
"Interested Person"	means an individual who lives in the Restricted Area or who regularly works in or visits that area;
"New Forest"	means the administrative area of the New Forest District Council;
"New Forest Commoner"	means anyone who owns/occupies land or property to which common rights over the New Forest attach;
"New Forest Pony, Horse, Mule or Donkey"	means any pony, horse, mule or donkey owned by any New Forest Commoner and free to roam in the Restricted Area;
"Public Space"	means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission;

“Restricted Area” means any Public Space within the land identified and described in Schedule 1 and outlined and hatched in blue on the attached maps; and

“Verderers” means Verderers of the Forest and includes their duly authorised servants or agents.

In this Order where a term is defined as singular it shall also apply to the plural and vice versa.

3. PRELIMINARY

- (1) The Council, in making this Order, is satisfied on reasonable grounds that the Activities have carried on, or it is likely that they will be carried on, in Public Places within the New Forest and have had a detrimental effect on the quality of life of those in the locality; namely a substantial risk that the Activities increase the aggression of New Forest Ponies, Horses, Mules or Donkeys towards humans in the locality causing alarm and distress, distress and financial impact on New Forest Commoners where animals are harmed, and the risk of New Forest Ponies, Horses, Mules or Donkeys being withdrawn from the Restricted Area to the detriment of the New Forest Commoners and those who live, work or visit the Restricted Area and physical harm or worse caused to New Forest Ponies, Horses, Mules or Donkeys and that the effect, or likely effect, of the Activities—
 - (a) is, or is likely to be, of a persistent or continuing nature,
 - (b) is, or is likely to be, such as to make the Activities unreasonable, and
 - (c) justifies the restrictions imposed by this Order.
- (2) The Council is satisfied that the Prohibition and the Requirements imposed by this Order are reasonable to impose to prevent the detrimental effect of these Activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of their continuance, occurrence or recurrence.
- (3) This Order should be read in conjunction with Schedule 1 and attached maps.

4. DURATION OF THIS ORDER

This Order shall come into effect at midnight on **xxxx** for a period of three years, unless extended.

5. APPLICATION

This Order applies at all times, to all persons within the Restricted Area subject to the Exceptions listed in Article 8.

6. PROHIBITION

- (1) A person shall not engage in any of the Activities within the Restricted Area (“the Prohibition”).
- (2) The Prohibition is subject to the Exceptions in Article 8.

7. REQUIREMENTS

- (1) Where an Authorised Officer has reasonable grounds to believe that any person within the Restricted

Area has acted, is acting, or is likely to act, contrary to this Order, they shall, if and as required by an Authorised Officer, terminate the Activities.

(2) If any person within the Restricted Area has in their possession any item which an Authorised Officer has reasonable grounds to believe is being, or is likely to be used in conjunction with the Activities contrary to this Order, they shall, if and as required by an Authorised Officer, surrender the item to an Authorised Officer.

(3) The Requirements are subject to the Exceptions in Article 8.

8. EXCEPTIONS

(1) This Order shall not apply to:

- (a) any person who is a New Forest Commoner and owner of a New Forest Pony, Horse, Mule or Donkey, or their duly authorised servant or agent; or
- (b) an Agister.

9. OFFENCE

(1) Section 67 of the Act states that it is an offence for a person without reasonable excuse to:

- (a) do anything that the person is prohibited from doing by this Order, or
- (b) fails to comply with a requirement to which the person is subject under this Order.

(2) A person who is guilty of an offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) A person does not commit an offence by failing to comply with a prohibition or requirement that the Council did not have the power to include in the public space protection order.

10. FIXED PENALTY NOTICES

(1) An Authorised Officer may issue a fixed penalty notice to anyone they have reason to believe has committed an offence under this Order. Such notice offers the person to whom it is issued the opportunity to discharge their liability to conviction for the offence by payment of a fixed penalty.

(2) The penalty is set at £100.00 to be paid within 28 days but is reduced to £75.00 if paid within 14 days.

11. CHALLENGING THE VALIDITY OF THIS ORDER

(1) An Interested Person may question the validity of this Order on the grounds that:

- (a) the Council has no power to make it or to include particular prohibition or requirement imposed by this Order;
- (b) a requirement of the Act has not been complied with in relation to this Order

(2) An application must be made to the High Court within the period of six weeks beginning with the date on which this Order is made.

Date:

THE COMMON SEAL OF NEW FOREST
DISTRICT COUNCIL

Was hereto affixed in the presence of:-

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SCHEDULE 1

The Restricted Area comprises the land within the Perambulation of the New Forest as shown outlined and hatched in blue on the maps attached hereto comprising an overview map (scale 1:100,000) and sheets 1 to 23 (scale 1:20,000).