SCHEDULE

	Area	*Prohibited period*
GLOUCESTER	(1) The Rural District of LYDNEY comprising the parishes of St. Briavels, Hewelsfield, Lydney, Aylburton, Alvington, Woolaston, Tidenham.	1st August to 15th October (both inclusive) in any year.
	(2) The Rural District of WEST DEAN, comprising the parishes of Lydbrook, English Bicknor, Staunton, Coleford, Newland, West Dean.	do.
	(3) So much of the Rural District of EAST DEAN as comprises the parishes of Ruardean, East Dean, Awre, Littledean, Mitcheldean, Blaisdon, Longhope, Huntley.	do.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this twenty-sixth day of August, 1949.

(L.S.) *T. Williams,*
Minister of Agriculture and Fisheries.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

Section 18 of the Hill Farming Act, 1946, authorises the Minister of Agriculture and Fisheries to make regulations for controlling the keeping of rams and uncastrated ram lambs. The present regulations impose a prohibition on keeping them without the Minister's approval and a further prohibition on keeping them during specified periods without a licence. Both prohibitions are limited to a specified kind of land and to specified areas (consisting of the Forest of Dean) and provision is made for the inspection and marking of rams and, in specified cases, their slaughter or castration.

(ii) HEATHER AND GRASS BURNING

The Heather and Grass Burning (England and Wales) Regulations, 1949

1949 No. 386

Made - - - -	*7th March,* 1949
Laid before Parliament	*8th March,* 1949
Coming into Operation	*21st March,* 1949

In pursuance of Section 20 of the Hill Farming Act, 1946(a), the Minister of Agriculture and Fisheries hereby makes the following Regulations:—

Application and commencement

1. These Regulations apply to England and Wales, and shall come into operation on 21st March, 1949.

(a) 9 & 10 Geo. 6. c. 73.

Interpretation

2. The Interpretation Act, 1889(a), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Definitions

3. In these Regulations, unless the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:—

"Burning" includes "setting fire to" and "swaling".

"Grass" means rough grass.

"Landlord" means any person for the time being entitled to receive the rents and profits of any land.

"Tenant" means the holder of land under a contract of tenancy, and includes the executors, administrators, assigns, guardian, committee of the estate, or trustee in bankruptcy, of a tenant, or other person deriving title from a tenant.

"The Minister" means the Minister of Agriculture and Fisheries, and for the purpose of any functions delegated to them includes a local committee constituted under the Hill Farming Act, 1946.

Prohibition of Heather and Grass Burning at a certain period of the year except under licence

4. Subject to the provisions of these Regulations, between the thirty-first day of March and the first day of November in any year no person shall burn heather or grass on any land except in accordance with the conditions of a licence issued by the Minister. Such a licence may be either a general licence issued by the Minister applying generally to land in England and Wales or to certain specified areas, or a special licence applying to any particular land and issued in accordance with the provisions of Regulation 5 of these Regulations.

Application for and issue of a special licence to burn on particular land

5.—(1) If any person having a right to burn heather or grass on any land in respect of which no general licence has been issued wishes to burn heather or grass on that land between the thirty-first day of March and the first day of November in any year, he may apply to the Minister in writing at least 28 days before the date proposed for the burning for a special licence.

(2) It shall be the duty of the applicant

(*a*) to provide sufficient information to satisfy the Minister that burning is necessary and expedient for the purpose of improving the land; and

(*b*) not later than the date on which he applies to the Minister under the preceding paragraph of this Regulation to give notice in writing to any person being a person who has an interest in the land on which burning is to take place either as landlord or tenant, and to any person whom he knows, or could by the exercise of reasonable diligence have discovered, to be in charge of any land adjacent to that on which the burning is to take place, of the application to the Minister, and of the proposed date, place, method and area of the burning, and also to give notice that representations may be made to the Minister within 7 days of the receipt of such notice.

(3) The Minister, after considering any representations he may have received from any person having any interest in the land on which the burning is to take place, or in any adjacent land, may, if he considers it advisable so

(a) 52 & 53 Vict. c. 63.

to do, grant a special licence to burn heather or grass on the land to which the application relates, or any part thereof, subject to any conditions which he may think fit to impose.

Regulation of Heather or Grass Burning

6.—(1) Subject to the provisions of these Regulations, no person shall at any period of the year commence to burn heather or grass on any land between the hours of sunset and sunrise.

(2) Subject to the provisions aforesaid no person shall at any time commence or continue to burn heather or grass on any land, unless

(*a*) there are at the place of burning sufficient persons and equipment to control and regulate the burning during the entire period of the operation and he takes all reasonable precautions to prevent damage to any adjacent land, and to any timber, plantations, heather, grass, crops, boundary fences or to any person or thing whatsoever on that land ;

(*b*) he has given, at least 48 hours before commencing burning to any person being a person who has an interest in the land either as landlord or tenant, and to any person whom he knows, or could by the exercise of reasonable diligence have discovered, to be in charge of any land adjacent to that on which the burning is to take place, notice in writing of his intention to burn, and of the date and time and place at which, and of the extent of the area on which, heather or grass is to be burned, provided that the provisions of this sub-paragraph relating to the giving of notice shall not apply to the British Transport Commission or to an Executive to whom any functions of the Commission are for the time being delegated in pursuance of Section 5 of the Transport Act, 1947, when such Commission or Executive are burning heather or grass on any land forming part of any of their railways.

Special Provisions relating to Commons

7. If any burning of heather or grass to which these Regulations apply is to take place either on land, or adjacent to land, which at the time of such burning forms part of a common or open space, or is subject to rights of common or similar rights of grazing, then, the notices referred to in Regulations 5 and 6 hereof shall so far as they relate to such land be given, if the persons responsible for the management of such land are not undertaking the burning, to such persons, and to the persons entitled to exercise the rights of common or similar rights of grazing, and notice may be given to persons entitled to exercise such rights by prominently displaying a copy of the notice in any convenient place.

Exclusion of land cultivated as pleasure grounds or for similar purposes

8. Land cultivated as pleasure grounds, private gardens or allotment gardens shall be excluded from the provisions of these regulations, except in so far as it is land adjacent to that on which burning is to take place.

Notices

9.—(1) Any notice required by these Regulations to be given to any person shall be duly given if it is delivered to him personally, or left at his last or usual place of abode or place of business, or sent to him through the post in a letter addressed to him there.

(2) Any notice required by these Regulations to be given to any person shall be deemed to be duly given to him, if it is given to an agent or local representative, responsible to him for the management or supervision of the land to which the notice relates.

Citation

10. These Regulations may be cited as the Heather and Grass Burning (England and Wales) Regulations, 1949.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this 7th day of March, nineteen hundred and forty-nine.

(L.S.) *T. Williams.*

EXPLANATORY NOTE

(This Note is not part of these Regulations, but is intended to indicate their general purport.)

These Regulations regulate the burning of heather and rough grass in any part of England and Wales. They prohibit burning between the thirty-first day of March and the first day of November in any year except in accordance with the conditions of a licence issued by the Minister; such a licence may be either a general licence, or a special licence applying to particular land. They also prohibit burning at any period of the year unless certain precautions are taken. There are special provisions relating to commons: pleasure grounds, private gardens, and allotment gardens are excluded from the provisions of the regulations except in so far as they are land adjacent to that on which burning takes place.

The Heather and Grass Burning (Railways) General Licence, 1949

1949 No. 495

Made - - - - 21*st March*, 1949

In pursuance of the provisions of Regulation 4 of the Heather and Grass Burning (England and Wales) Regulations, 1949(a), the Minister of Agriculture and Fisheries hereby authorises the British Transport Commission and any Executive to whom any functions of the Commission are for the time being delegated in pursuance of Section 5 of the Transport Act, 1947(b), to burn heather and grass between 31st day of March and the 1st day of November in any year on any land forming part of any of their railways in England and Wales.

This licence may be cited as the Heather and Grass Burning (Railways) General Licence, 1949.

In Witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this 21st day of March nineteen hundred and forty-nine.

(L.S.) *T. Williams.*

(a) S.I. 1949 No. 386, p. 98 above.
(b) 10 & 11 Geo. 6. c. 49.