

**NOTICE OF THE MAKING OF THE NEW FOREST PUBLIC SPACES
PROTECTION ORDER 2023 (No. 2) DATED 13 APRIL 2023**

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"), made the following Public Spaces Protection Order on 13 April 2023.

It is intended that the New Forest Public Spaces Protection Order 2023 (No. 2) ("the Order") (www.newforest.gov.uk/publicspaceprotectionorders) will come into force on 1 July 2023 for a period of 3 years.

The Order has been made because the Council is satisfied that the conditions set out in section 59 (2) and (3) of the Act have been met. Background information in relation to the making of the Order can also be found at www.newforest.gov.uk/publicspaceprotectionorders.

New Forest Public Spaces Protection Order 2023 (No. 2) – Feeding and Petting of New Forest Animals

It is an offence to engage in any of the following Activities within the Restricted Area

- (a) Feeding or providing or depositing food for consumption by any New Forest Pony, Horse, Mule or Donkey
- (b) Petting or touching any New Forest Pony, Horse, Mule or Donkey

It is an offence to fail to comply with a requirement of an Authorised Officer for the purposes of section 68 of the Act to

- (c) Terminate any of the above Activities
- (d) Surrender any item used in conjunction with the above Activities

The Order covers any public space within the Perambulation of the New Forest being land 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. For maps of the Restricted Area and for exceptions where the Order does not apply please see www.newforest.gov.uk/publicspaceprotectionorders.

If you breach the requirements of the Order, it may result in a Fixed Penalty of £100 or prosecution with a fine up to £1,000.

Legal Challenge

Under section 66 of the Act an interested person, which is someone who lives in the area covered by the Order or who regularly works in or visits that area, may apply to the High Court to challenge its validity.

An interested person who wishes to challenge the Order must make an application to the High Court within the period of 6 weeks beginning with the date on which the Order is made.

The grounds on which an application may be made are:-

- (a) that the Council did not have power to make the Order, or to include particular prohibitions or requirements imposed by the Order;
- (b) that a requirement in the process of the making of an Order set out in Chapter 2 of the Act was not complied with.

The High Court can uphold, quash or vary the Order and may decide to suspend the operation of the Order pending the final determination. Additionally, as with all decisions, the making of the Order can be challenged by judicial review by any other person on public law grounds within three months of the decision or action subject to challenge.

Authorised Signatory 	Title: Strategic Director of Housing, Communities and Governance	Date: 13 April 2023
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