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Occupation	Head Agister of the New Forest

## STATEMENT OF JONATHAN GERRELLI

1. I became an Agister on 01/01/1991 and have held the position of Head Agister since 2003. I am one of the five Agisters of the New Forest ("Forest") and essentially act as their foreman. I am also a Commoner. I currently have ponies on the Forest and have had cattle in the past. I am employed by the Verderers of the New Forest.
2. I make this statement to explain the harm and danger caused both to members of the public and the stock itself by humans feeding them on the open Forest
3. The New Forest, defined in accordance with the 1964 New Forest Act, covers an area of roughly 90,000 acres. The boundary of the New Forest is known as the perambulation. Within perambulation can be found Forestry England inclosures (land enclosed in accordance with the NF Acts for the production of timber, as well as private and commercial properties. Much of the Forest is "Crown" land managed by Forestry England. Some parts of the remaining area are owned and managed by other organisations including Hampshire County Council and the National Trust. There are also several areas of manorial waste. There are about 700 practicing commoners who have rights to graze animals in the Forest. There are probably several thousand properties which have Forest rights, but about 700 people choose to exercise their rights by turning out (depasturing) livestock on the Forest. In this statement I concentrate on ponies but stock depastured includes cattle, some donkeys, sheep and pigs.
4. There is nothing to stop the animals roaming anywhere within the open areas of the New Forest, however, animals tend to stay within their haunt. This can cover several miles and they move from area to area within it, depending on the time of the day / season and in relation to food and water availability. If they are disturbed, for example by members of the public, a dog or a drift (round up), they may move away from their usual haunt but will often make their way back to it.

5. I describe the ponies on the Forest as semi feral. They are not truly wild as they all have an owner, but they lead a fairly feral existence. The ponies are hot branded, usually as foals, to identify who owns them. The brands are permanent, but are easier to see in the summer than in the winter when the ponies grow woolly winter coats. The brand is unique to each Commoner and is applied on the nearside. Whilst some ponies are fairly domesticated, others have only ever been handled as a foal when they are branded and after that once a year, when/if they are caught on a drift. Many ponies spend virtually their entire lives living a semi feral existence on the Forest
  
6. One of the key roles of the Agisters is to enforce the Verderers' byelaws. There are some 23 byelaws, the vast majority of which relate solely to the commoners. Most breaches of the byelaws are dealt with by the matter being discussed between an Agister and the commoner in question (and sometimes involving a Verderer). In the case of serious byelaw breaches, the Verderers can, and do, bring a prosecution in the Magistrates' Court. I return to one particular byelaw later in this statement.
  
7. Another of the Agisters' roles is to collect marking fees. The Commoners have to pay a marking fee in respect of each animal depastured. The marking fees contribute to the cost of the Agister team. The number of animals for which marking fees are received, does not necessarily provide a complete picture in terms of the number of animals in the Forest as some are not turned out all the time. Over recent years there have been around 6,000 ponies and 300 donkeys. The number of cattle has more recently expanded, reaching about 6,000 but that number is reducing once again. There are also several hundred pigs (mostly during the autumn pannage season) and a few sheep, primarily in the North of the Forest.
  
8. A lot of the Agisters work in the winter and spring is simply checking on the condition of the animals. The ponies tend to fatten up in the spring and summer when food is readily available but then they lose condition over the winter months when food is less available. The Agisters monitor the ponies and arrange the removal by their owners of any that are in poor condition, in order to prevent unnecessary suffering. When a loss of condition is brought to the owner's attention, the ponies are taken off the Forest and into backup grazing where they will receive supplementary feed until their condition improves. They may then return to the Forest.
  
9. Another very important role of the Agisters is to organise and run the pony drifts (round ups). Drifts are held every few days from mid-August to the beginning of November, about 40 in all, in different areas of the Forest, some in overlapping areas. Once the ponies have been rounded up into a pound (wooden holding pen) the Agisters tail mark each pony to show its owner has paid the "marking fee" for it, for the current year. The tail mark is a pattern that is cut into the tail hair of the pony during the drifts/roundups. Originally the Commoners had to "present" their stock to the Agisters for tail marking and this was in lieu of a paper receipt. The

Commoners no longer have to "present" their ponies to the Agisters but the tail marks are still applied each year on the roundup. Each Agister has a unique pattern of notches/cuts in the tail. For example, [REDACTED] is a small notch around the back of the tail. The ponies' tails are also cut shorter when they are tail marked, this is in part as a welfare issue and in part because it is then easier to spot which animals have already been caught in the roundup. The tail marks grow out each year.


10. Each Agister has an area of Forest for which he is primarily responsible.
11. I ring round the Agisters every Monday morning to discuss what has happened the previous week and what their plans are for the following week. I speak to them in relation to any accident reports relating to road traffic accident involving animals as well as any other stock or livestock issues. Sometimes I will coordinate the Agisters if, for example, there is a task requiring more than one Agister. I am also the point of liaison between the Agister team and the Verderers. We work together as a team. My role as Head Agister includes the organisation of the Agister's Roster, in relation to who is on or off duty, on holiday, etc., in order to ensure there are always at least two Agisters available, regardless of the day of the week or the time of day or night. During a normal week each Agister will be on call for 6 days and have one 24 hour period off. In addition, in every third week, each Agister will have a long weekend off duty, consisting of Friday, Saturday and Sunday. I also approve annual leave. There are always be at least two Agisters on call at any one time, but usually four or five are available. Weekends are obviously a time when more issues arise with people wanting time off. The Verderers meet in public once a month and my official duty on those occasions is to formally open the Court of Verderers proclaiming 'Oyez, Oyez, All manner of persons who have any presentment to make or matter or thing to do at this Court of Verderers, let them come forward and they shall be heard. God Save the King'. I am also responsible for announcing the closure of the Court at the end of each session.
12. As part of my duty as an Agister, I sometimes give talks to interested groups in the local community such as the WI, young farmers etc and from time to time I assist in advising the Forest campsite wardens on matters concerning the livestock. The New Forest is a unique place and as well as being interesting in its idiosyncrasies. It is helpful to educate the public in terms of practical aspects with regard to how the system works, in relation to Agisters, how to contact them in event of an emergency or anything reportable and also how not to cause issues. It is surprising that many local people know very little about the working of the Forest. I am invited to give talks to local groups such as the WI, young farmers etc. I also make it clear that the animals in the Forest are semi feral, and that many of the issues that occur with them, are caused by human interaction. I explain that visitors, whether local or from further afield, should be strongly discouraged from petting or feeding the animals, and to report to the Agisters if they are concerned about animal welfare. I outline what to look out for in relation to

sick/injured animals. I make it very clear that the Agisters would prefer to hear if they feel that there is a problem, than for them to not report it.

13. I turn now to the dangers posed by the hand feeding by the public of ponies on the Forest. The Verderers' Byelaw 16 provides as follows:- 16.—(1) *No person other than the owner, or a person appointed as their agent or an agister shall hand feed or attempt to hand feed any horse, bovine animal, sheep or pig depastured in the Forest. (2) No person shall place in the Forest any material that might be consumed by horses, bovine animal, sheep or pigs depastured in the Forest, except that the owner or a person appointed as their agent may place straw, hay or other feedstuffs approved by the Verderers in the Forest for the benefit of the owner's horses, bovine animal, sheep or pigs in such places as shall have been previously approved for that purpose by the Verderers. (3) In this byelaw "agister" means a person who is for the time being employed or appointed as an agister by the Verderers.*
14. Feeding the ponies (horses) on the Forest can result in danger to humans. Once the Forest ponies learn to associate humans with food and the things they carry food in, such as carrier bags, they will approach members of the public, often including children, and ask for food. The ponies may also raid picnics. Unfortunately, ponies can and do get aggressive around food. This leads to competition between the ponies, including kicking and biting, and that aggression can and often is directed at members of the public. As a result, members of the public get knocked over, bitten and even kicked. A direct result of humans feeding the ponies is therefore danger to members of the public.
15. I have explained above that the ponies are semi feral and many spend the majority of their lives living on the Forest. This means that they are uniquely adapted to the Forest environment. In spring and summer when the grass is growing, they eat mainly grass. In the late autumn and winter when the grass becomes scarce, they eat other vegetation as well, principally holly and young gorse. It is vital for their welfare that they maintain this diet. If they are fed by humans they lose their ability to survive on the Forest and become dependent on humans providing food.
16. Feeding of the ponies can harm them in other ways. Members of the public often carry food in plastic bags which if ingested by a pony can cause choking. People quite often dump windfall apples on the Forest, mistakenly believing that they are of benefit to the ponies. On the contrary, apples can not only cause choking but also, if they eat too many, colic which can be fatal to ponies. Carrots can also cause choking. Grass cuttings pose a particular danger. When eaten they ferment in the stomach of the animal, creating gas and that can sometimes lead to a ruptured stomach. Dumping of hedge clippings from gardens can contain material such as yew that is poisonous. Any of these activities can result in a large vet's bill for the Commoner and in some cases loss of the animal altogether. Feeding the animals is therefore

harmful both to the welfare of the animal and its owner. Even putting out hay can cause aggressive behaviour when a group of ponies want to eat it and old hay is sometimes dusty and mouldy and may cause health problems.

17. If a pony involved in an incident with a member of the public can be identified then I, or the Agister for the area will inform the Commoner/owner of the pony of what has occurred. This obviously also happens if for example if there is an injured animal, so that the owner/Commoner can take appropriate action. The Agisters are there to report to the Commoners and Verderers. Agisters are not the Commoners/owners stockmen.
18. When a pony involved in an incident can be identified, all the circumstances of the incident are taken into consideration. If there are any safety concerns in relation to members of the public, the Agisters will inform the owner and the Verderers, who have the power to insist the animal is removed from the Forest, or moved away from a specific area. It can sometimes be difficult to balance the ancient right of the Commoners to graze their ponies in the Forest, against the safety of the public. Ponies may be moved if they go into tents on the open campsites as a result of visitors not keeping their food secure. However, ponies are permanently removed from the Forest if they pose a danger to the public because they have learned to be aggressive. Once permanently removed from the Forest, ponies face an uncertain future as they are not riding ponies – they are semi feral, accustomed to living on the Forest.
19. Feeding the ponies may also cause them to hang around the roads and car parks as many visitors do not stray far from the road or car park. As many of the Forest roads are unfenced this increases the likelihood of a pony being injured or killed by a motor vehicle. This of course a tragedy both for the animal itself and the owner. In 2021, 44 animals were killed and 15 injured in road accidents.
20. I should add that whilst byelaw 16 quoted above, applies to members of the public, in practice it is nigh on impossible to bring an effective prosecution. Unlike a byelaw offence involving a Commoner when his or her identity will be known to an Agister, the Agister has no power to compel a member of the public to provide their name and address. Furthermore, bringing a successful prosecution in the Magistrates' Court can be a lengthy and expensive process.

Signed		Position or office held	HEAD AGISTER OF THE NEW FOREST
Print Full Name	JONATHAN ROBERT GARRELLI	Date	6/10/22