

MALVERN HILLS BILL

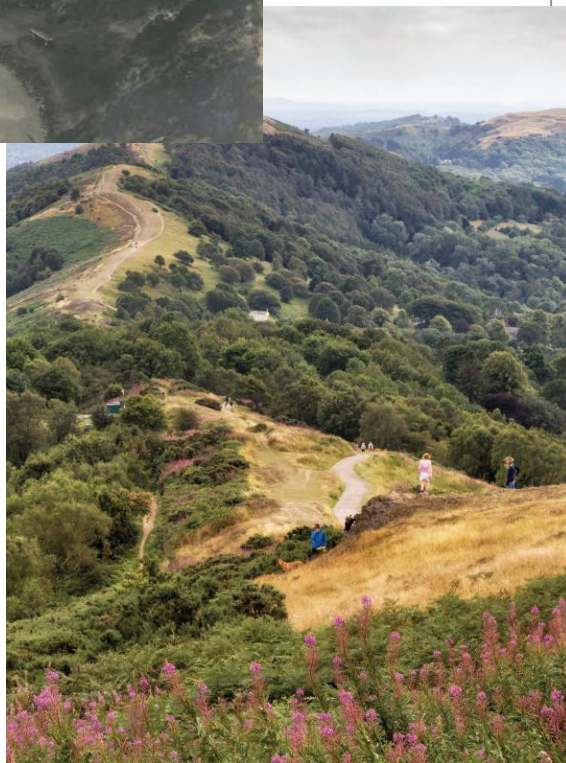
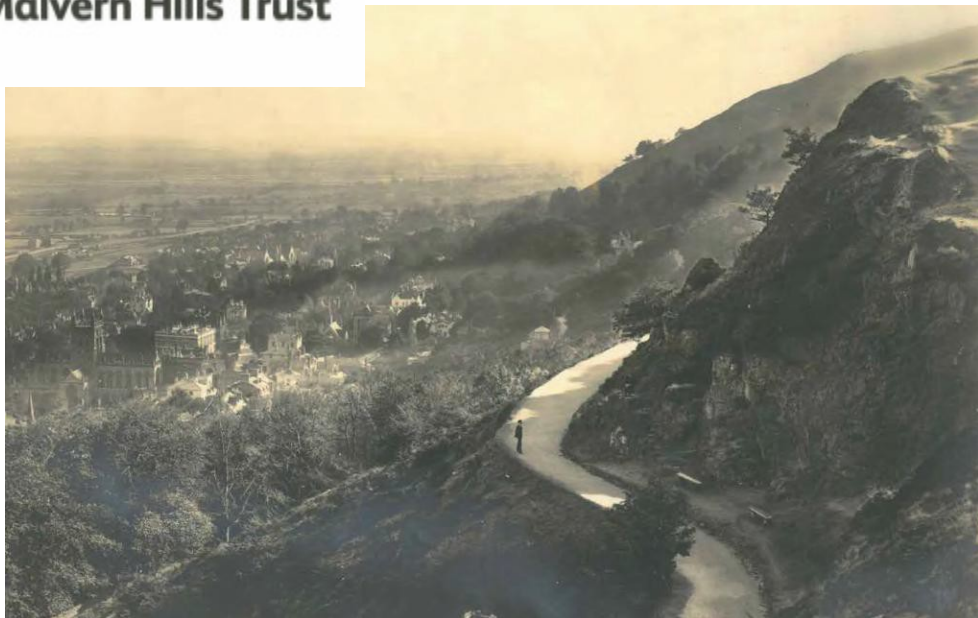
**HOUSE OF LORDS SELECT COMMITTEE
2024 – 2026 PARLIAMENTARY SESSION**

BUNDLE 2: PROMOTER’S DOCUMENTS FOR OPENING DAY

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Malvern Hills Bill Opening Statement







[47 & 48 VICT.]

Malvern Hills Act, 1884.

[Ch. clxxv.]



CHAPTER clxxv.

An Act for the Prevention of Encroachments upon the
Malvern Hills, and for other purposes. [28th July 1884.]

A.D. 1884.

WHEREAS there are in the counties of Worcester and Hereford tracts of land forming part of or near to the Malvern Hills which were formerly part of the forest or chase of Malvern which tracts of land or some parts thereof are or are reputed to be subject to certain commonable rights :

And whereas by a decree made by the Court of Exchequer in Michaelmas term in the seventh year of the reign of His Majesty King Charles the First upon an information exhibited in the said court by His Majesty's Attorney-General on behalf of His said Majesty against the several lords freeholders copyholders tenants inhabitants and commoners of and within the several manors townships lands tenements and hereditaments within or near the said forest or chase of Malvern in the counties of Worcester Hereford and Gloucester it was decreed (among other things) that one-third part of the waste or commonable lands lying or being within the said forest or chase as well known by the name of the Bishop's Chase as by the name of the King's Chase should be set out and divided as therein mentioned from the other two parts thereof and be held and enjoyed by His Majesty His heirs successors and assigns in severalty freed and discharged from all manner of common claims of common and other interest or demands therein and that the other two parts should remain and continue unto and amongst the commoners and be held by them in common according to their several rights and interests discharged from His Majesty's game of deer there and of and from the forest laws and the liberties and franchises of forest and chase in such sort as by the said decree doth appear :

And whereas after the said decree the said forest was legally disafforested :

And whereas notwithstanding the said decrees and the provisions of the said Act numerous enclosures and encroachments have at various times and recently been made upon portions of the said waste or commonable land formerly within the said forest and not forming part of the King's third as herein-after defined and it is desirable as well in the interest of the freeholders tenants and commoners entitled to common rights on the said land as for the benefit of the public that provision should be made for the prevention of encroachments and enclosures upon and of injury to the said tracts of land and also for the management of the same :



CHAPTER xxxvii.

An Act for conferring further powers upon the Malvern Hills Conservators and for other purposes.

[16th August 1909.]

WHEREAS under a decree of the Court of Exchequer in the 7th year of the reign of King Charles I. (as reviewed and explained by a decree of the same Court in the 8th year of the same reign) confirmed by an Act passed in the 16th year of the reign of King Charles II. intituled "An Act for Confirmation of the Inclosure and Improvement of Malvern Chase" the waste or commonable lands constituting the Forest or Chase of Malvern were divided and one-third part thereof was appropriated to be enclosed and held by the King in severalty and the other two-third parts were ordered to remain and continue unto and amongst the commoners and to be held by them in common according to their several rights and interests free from the King's rights of forest and such two-third parts were to be forever left free for the freeholders and tenants and commoners to take their common of pasture and common of estovers therein as theretofore they had been accustomed and no mean lords of fees or manors or other freeholders or owners whatsoever or the King's Majesty His heirs successors or assigns or any person or persons claiming from by or under them or any of them were to enclose any part of such two-third parts or to fell any of the woods or trees growing or to be growing thereon whereby the commoners might be hindered of their estovers :

And whereas by the Malvern Hills Act 1884 (in this Act referred to as " the Act of 1884 ") the Malvern Hills Conservators (herein-after referred to as "the Conservators ") were incorporated for the purposes and with the constitution in that Act described

A.D. 1909. Noel Wen, invested with certain powers of protection control and management with regard to the lands in that Act specified and provision was made for restricting the user and enjoyment of the said lands to the extent in the said Act appearing :

And whereas by the Act of 1884 the Conservators were authorised to raise any moneys required for meeting their expenses by precept to be served on the overseer of each of the parishes of Colwall Mathon and Great Malvern and the said overseers were directed to pay the amounts specified in the said precepts out of the poor rate of the said respective parishes Provided always that the sum required by any such precept in any one year should not exceed the amount which would be produced by a rate of one halfpenny in the pound :

And whereas since the passing of the Act of 1884 the then parish of Great Fairford has been divided into two parishes named respectively Great Malvern and Guarnford and the then parish of Wothou has been divided into two parishes named respectively Wothou and West Malvern :

And whereas the existing financial resources of the Conservators are or may be insufficient to provide for the carrying into effect of the purposes of this Act and it is expedient that the Conservators should be empowered to raise further moneys for meeting their expenditure :

And whereas it is expedient that the Conservators should be empowered to borrow money as in this Act provided :

And whereas it is expedient that the county councils of Worcestershire and Herefordshire should be empowered to contribute to the said funds:

And whereas it is expedient that the constitution of the Conservators should be altered as in this Act provided :

And whereas it is expedient that the Act of 1884 should be in part amended and repealed as in this Act provided :

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :-



CHAPTER xxxvi.

An Act for conferring further powers upon the
Malvern Hills Conservators and for other
purposes. [14th July 1924.]

A.D. 1924.

WHEREAS under a decree of the Court of
Exchequer in the seventh year of the reign of
King Charles I. (as reviewed and explained by a decree of
the same Court in the eighth year of the same reign)
confirmed by an Act passed in the sixteenth year of the
reign of King Charles II. intituled "An Act for Con-
firmation of the Inclosure and Improvement of
"Malvern Chase" the waste or commonable lands con-
stituting the forest or chase of Malvern were divided
and one-third part thereof was appropriated to be
enclosed and held by the King in severalty and the other
two-third parts were ordered to remain and continue
unto and amongst the commoners and to be held by them
in common according to their several rights and interests
free from the King's rights of forest and such two-third
parts were to be for ever left free for the freeholders
and tenants and commoners to take their common of
pasture and common of estovers therein as theretofore
they had been accustomed and no mesne lords of
fees or manors or other freeholders or owners whatso-
ever or the King's Majesty His heirs successors
or assigns or any person or persons claiming from
by or under them or any of them were to enclose
any part of such two-third parts or to fell any of the

[Price 2s. 0d. Net.]

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And whereas the lands under the jurisdiction of
the existing Conservators and commonly known as the
Malvern Hills have become widely known and admired
for their natural beauties and have formed a centre of
attraction to the inhabitants of the counties of Worcester
and Hereford and to visitors coming from all parts of

2

the country for purposes of health recreation and enjoy-
ment and the prosperity and development of the district
depend upon the preservation of the amenities of the
Malvern Hills:

And whereas in recent years the amenities of the
Malvern Hills have been seriously interfered with by
quarrying operations and by the erection of buildings
sheds machinery and plant and those operations are
being extended in such manner as to threaten to destroy
the value of the Malvern Hills as objects of public
interest as well as to impede the user and enjoyment
thereof for purposes of public recreation and wholly to
alter the state of the hills as they existed in the year one
thousand eight hundred and eighty-four:

And whereas the powers of the existing Conser-
vators are insufficient to preserve the Malvern Hills from
such quarrying operations and to prevent the erection of
such buildings sheds machinery and plant as aforesaid
and it is desirable that further provision should be made
for the acquisition by the existing Conservators of the
manorial and other rights over the Malvern Hills and of
other property or interests in the Malvern Hills or any
part thereof and that further powers of protecting con-
trolling and dealing with the Malvern Hills should be
conferred upon the existing Conservators as in this Act
provided:

And whereas it is expedient that the area of juris-
diction of the existing Conservators should be enlarged
and their constitution altered as in this Act provided:



CHAPTER lxxii.

An Act to confer further powers upon the Malvern Hills Conservators and for other purposes.
[4th June 1930.]

WHEREAS the Malvern Hills Conservators (herein referred to as "the Conservators") were incorporated by the Malvern Hills Act 1884 and were invested with certain powers of protection control and management with regard to the lands in that Act specified and provision was made for restricting the user and enjoyment of the said lands:

And whereas the lands under the jurisdiction of the Conservators and commonly known as the Malvern Hills have been widely known and admired for their natural beauty and have formed a centre of attraction to the inhabitants of the counties of Worcester and Hereford and to a largely increasing number of visitors coming from all parts of the country for the purposes of health recreation and enjoyment and the prosperity and development of the district depend upon the preservation of the amenities of the Malvern Hills:

And whereas further powers were conferred upon the Conservators by the Malvern Hills Act 1924 for the prevention of encroachments and enclosures on the lands forming the Malvern Hills and also for the management and control of the same:

And whereas the existing powers of the Conservators are insufficient to preserve the Malvern Hills and it is desirable that further powers of protecting controlling

A.D. 1930. — and dealing with the Malvern Hills should be conferred upon the Conservators as in this Act provided:

And whereas the Conservators have under their jurisdiction the lands specified in the schedule to this Act and which lands could without detriment to the enjoyment and user of the Malvern Hills by the public be disposed of and the proceeds arising from any such transaction used in the purchase of other lands and it is expedient that the Conservators should be invested with powers for the sale lease exchange or disposition of any such lands subject to the provisions of this Act:

And whereas it is expedient that for the purposes of adjusting defining or improving the boundaries of the Malvern Hills the Conservators should have power to exchange lands for other lands:

And whereas many persons resort to the Malvern Hills on holidays and during the summer months for the purpose of recreation and enjoyment and in order to meet the convenience and requirements of such persons it is expedient that the Conservators should have power to make provision for lavatories and parking places for vehicles and to license the erection of refreshment stalls on the Malvern Hills:

And whereas it is expedient that the Conservators should have power to set apart certain lands on those parts of the Malvern Hills known as the Malvern Common and Malvern Link Common for the purpose of games and for the holding of meetings and athletic sports and to enclose temporarily parts of the Malvern Link Common for the holding of agricultural and other exhibitions or shows:

And whereas it is expedient that the other provisions contained in this Act should be enacted:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—



Malvern Hills Act 1995

1995 CHAPTER iii

An Act to amend certain enactments relating to the Malvern Hills Conservators and the management of the Malvern Hills; to confer further powers on the Malvern Hills Conservators; to make further provision in relation to the Malvern Hills; and for other purposes.
[28th June 1995]

WHEREAS—

- (1) By the Malvern Hills Act 1884 the Malvern Hills Conservators (in this Act called “the Conservators”) were incorporated and were invested with certain powers of protection, control and management with regard to the lands in that Act specified and provision was made for restricting the user and enjoyment of the said lands:
- (2) By the Malvern Hills Act 1909, the Malvern Hills Act 1924 and the Malvern Hills Act 1930 further powers were conferred upon the Conservators and further provision was made in relation to the lands under the Conservators' jurisdiction and commonly known as the Malvern Hills:
- (3) Under the Malvern Hills Act 1930 it is the general duty of the Conservators except as otherwise provided in the Malvern Hills Acts 1884 to 1930 to keep the Malvern Hills unenclosed and unbuilt on as open spaces for the recreation and enjoyment of the public:
- (4) The Malvern Hills have been widely known and admired for their natural beauty and have formed a centre of attraction to the inhabitants of the county of Hereford and Worcester and to visitors coming from all parts of the country for the purposes of health, recreation and enjoyment:
- (5) The area of land under the Conservators' jurisdiction has increased as has the number of visitors resorting to the Malvern Hills:
- (6) The existing powers of the Conservators are insufficient to enable the Conservators to make suitable provision to meet the convenience and requirements of the public, and to carry out their functions and to manage and deal with the Malvern Hills effectively and appropriately in the light of present day circumstances:
- (7) It is desirable that further provision should be made enabling certain facilities to be constructed or provided on the Malvern Hills:
- (8) It is expedient that further powers of protecting, controlling, regulating, managing and dealing with the Malvern Hills should be conferred upon the Conservators as in this Act provided:

- (9) It is expedient that the other powers of this Act should be conferred upon the Conservators and that the other provisions contained in this Act should be enacted:

- (10) The purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—



2. Introduction

The Trust is a registered charity which exists to:

- preserve the natural aspect of the [Malvern Hills](#);
- keep them unenclosed and unbuilt on as open spaces for the enjoyment of the public.

The Trust is regulated by the Charity Commission.

The Trust is governed by 5 Acts of Parliament, the [Malvern Hills Acts 1884, 1909, 1924, 1930 and 1995](#). Some of its administrative provisions are contained in the [Commissioners Clauses Act 1847](#) (CCA). As a statutory body, the Trust can only act where it has powers to do so (or where this can be reasonably implied).

The Trust needs to rationalise, modernise and consolidate its governing legislation. The current Acts do not reflect or permit modern best practice in relation to charity governance and do not contain all the powers that the trustees need to administer the charity in the most effective way and to best achieve its objects. There are provisions in the Acts that no longer apply, others which reflect a legal and cultural context that no longer exists and some of the key provisions are defined by reference to bodies which were abolished 50 years ago. Because the Acts are out of date, they hamper the Trust's ability to operate effectively and to provide good value for money.

Changes to the Acts over the last 140 years have been made on a piecemeal basis and it is clear that to have another stand-alone piece of legislation to add to the 5 governing Malvern Hills Acts (6 if including the Commissioners Clauses Act 1847) would make navigating the Acts even more difficult than it already is. The Trust therefore hopes to make the proposed changes by way of a new Act which will incorporate all the parts of the existing legislation which remain relevant, updated as appropriate.

The only way the Trust can change its Acts is by way of a [Private Bill](#). The Charity Commission has given consent to the Trust to do this.

‘Public consultation on a proposed Parliamentary Bill’ (2024) pg 6

[Ch. cxxxv.] *Malvern Hills Act, 1884.* [47 & 48 Vict.]

A.D. 1884. constables upon the lands subject to this Act as if such lands were a park and such keepers were park keepers within the meaning of the said Act.

Byelaws and proceedings.

18. The provisions of sections 152 153 154 155 and 156 and of sections 251 252 253 254 255 256 257 258 and 259 of the Public Health Act 1875 shall apply to byelaws to be made under this Act and to proceedings by and against the Conservators or under this Act as if the Conservators were a local authority within the meaning of the said sections and for this purpose the 184th section of the said Act shall be read as if the words "the First Commissioner of Her Majesty's Works and Public Buildings" were used therein instead of the words "the Local Government Board" and the words "this Act" in the said sections shall be read as referring to this Act and not to the Public Health Act 1875 and section 255 of the said Act shall apply with regard to any offence under this Act as if the same were a nuisance within the meaning of the Public Health Act 1875.

s. 18 repealed by s. 27(4), Sched 3 MH Act 1995

Contributions from parishes.

19. Save as herein otherwise provided the expenses of the Conservators shall be paid by them out of any moneys in their hands and they may raise any moneys required for meeting such expenses in manner following and they may raise such moneys either before or after they shall have actually become liable to the said expenses. They shall apportion the amount so required among the several parishes of Colwall Mithon and Great Malvern and may raise the same by their precept to be served on the overseers of each such parish requiring them to pay the amount specified in such precept to the treasurer clerk or other officer of the Conservators and the overseers of the said parishes of Colwall Mithon and Great Malvern shall pay the same out of the poor rate of such parishes. The receipt of the officer or officers of the Conservators named in such precept shall be a good discharge for the amount so paid. Provided always that the sum required by any such precept in any one year shall not exceed the amount which would be produced by a rate of one ~~halfpenny~~ in the pound and provided also that any voluntary contributions or subscriptions to be paid to the Conservators may be applied at the desire of the donors in reduction of the amount required by any such precept to be paid by the overseers of any such parish.

Deleted words replaced by "Great Malvern, Malvern Link, Malvern Wells, West Malvern and Guelford in the County of Worcester and Colwall or Mithon in the County of Hereford" s. 4 MH Act 1909

Deleted words replaced by "one penny" s. 4 MH Act 1909

Limiting powers of Act over manor and parish of Great Malvern.

20. (1) In order to preserve as open spaces free from enclosure and building the waste lands of the manor or parish of Great Malvern in the county of Worcester the Conservators may take all necessary measures to prevent or remedy any enclosure or encroachment thereon and to preserve and keep the same waste lands free from enclosure and building and (without prejudice to all other



[AS PROPOSED TO BE AMENDED IN COMMITTEE]

A
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Repeal and re-enact certain enactments relating to the Malvern Hills Conservators and the management of the Malvern Hills, to reconstitute and rename those Conservators as the Malvern Hills Trust and to confer further powers on the Malvern Hills Trust, to make further provision in relation to the Malvern Hills, and for other purposes.

The Malvern Hills - a presentation for Select Committee.

Jonathan Bills MSc, Conservation Manager



'The long, narrow ridge rises majestically from the plain and presents a skyline unique in Britain', The Royal Commission on Common Land, 1958.



Introduction

- Introduction to the Hills and Commons.
- A short account of a long history.
- The Hills and Commons today.
- Malvern Hills Trust's land management.

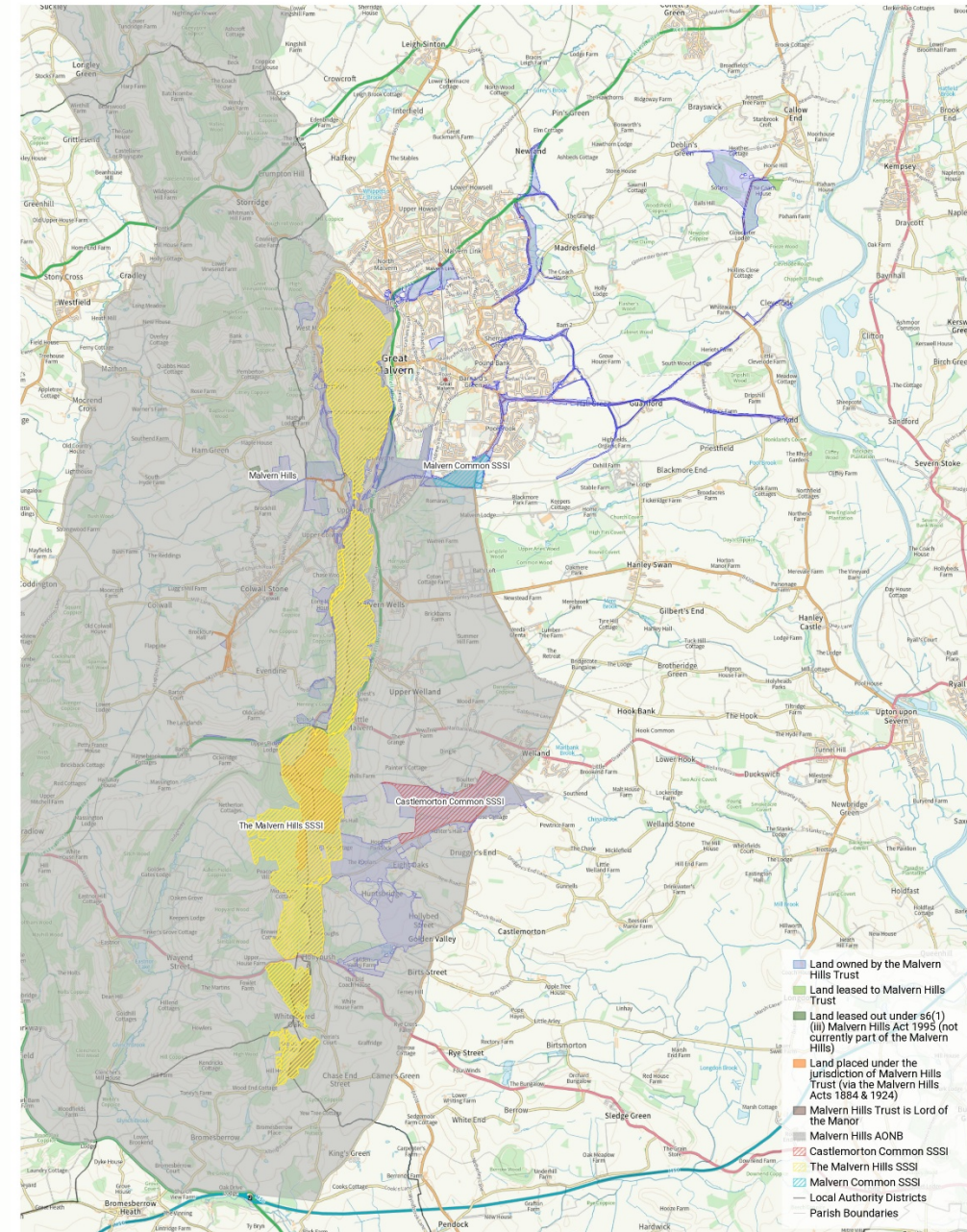


Malvern Hills Trust is the working name of Malvern Hills Conservators, a registered charity since 1984, charity number: 515804.



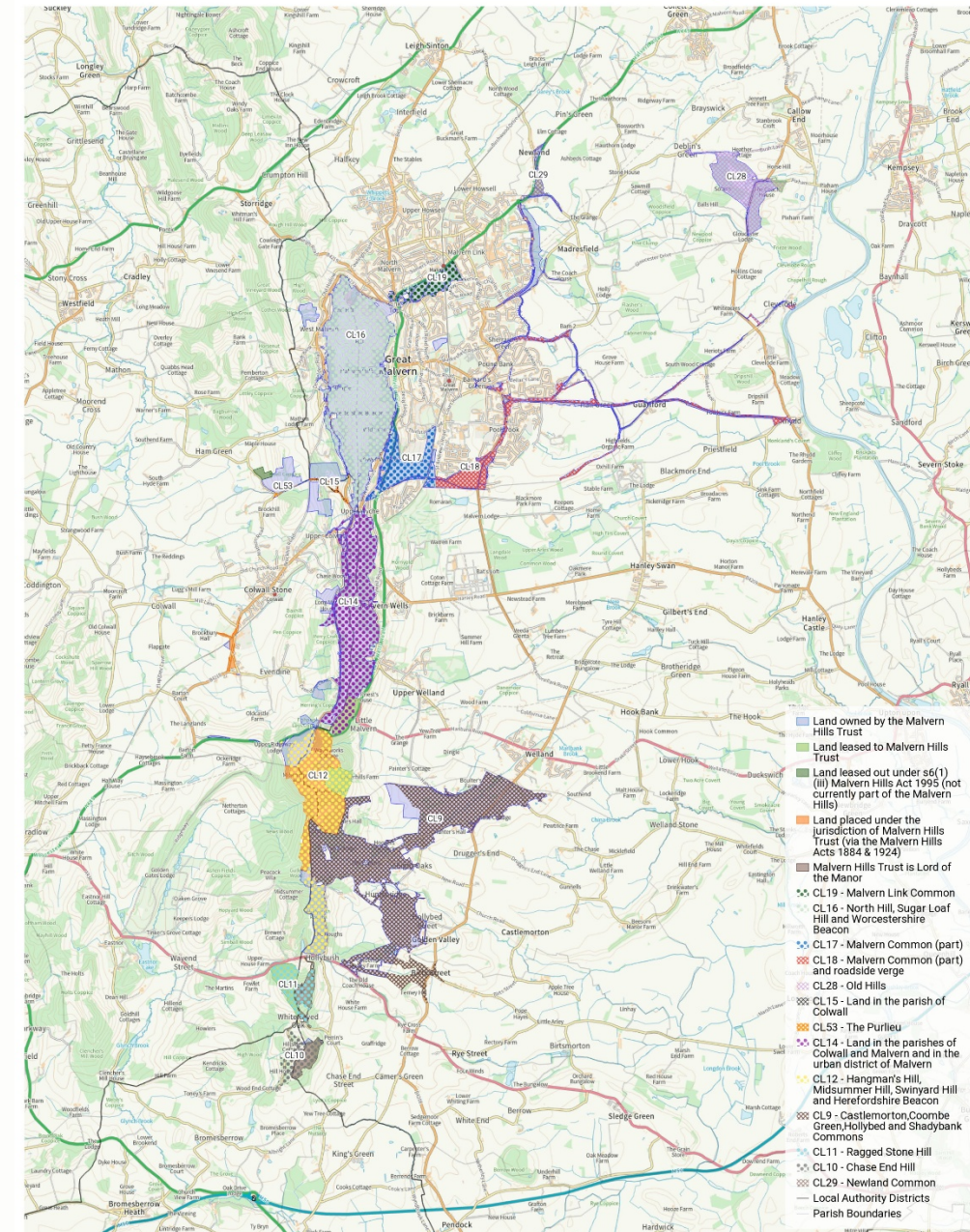
Legal designations – AONB and SSSIs.

- Malvern Hills Area of Outstanding Natural Beauty (National Landscape) shown in grey.
- Designated under the National Parks and Access to the Countryside Act, 1949.
- Malvern Hills Site of Special Scientific Interest (SSSI) in yellow.
- Malvern Common SSSI in turquoise.
- Castlemorton Common SSSI in red.
- Designated under the Wildlife & Countryside Act, 1981.



Registered Common Land

- 13 registered Common Land units owned by a HT jurisdiction.
- Common land covers approximately 89% of the land under a HT jurisdiction.

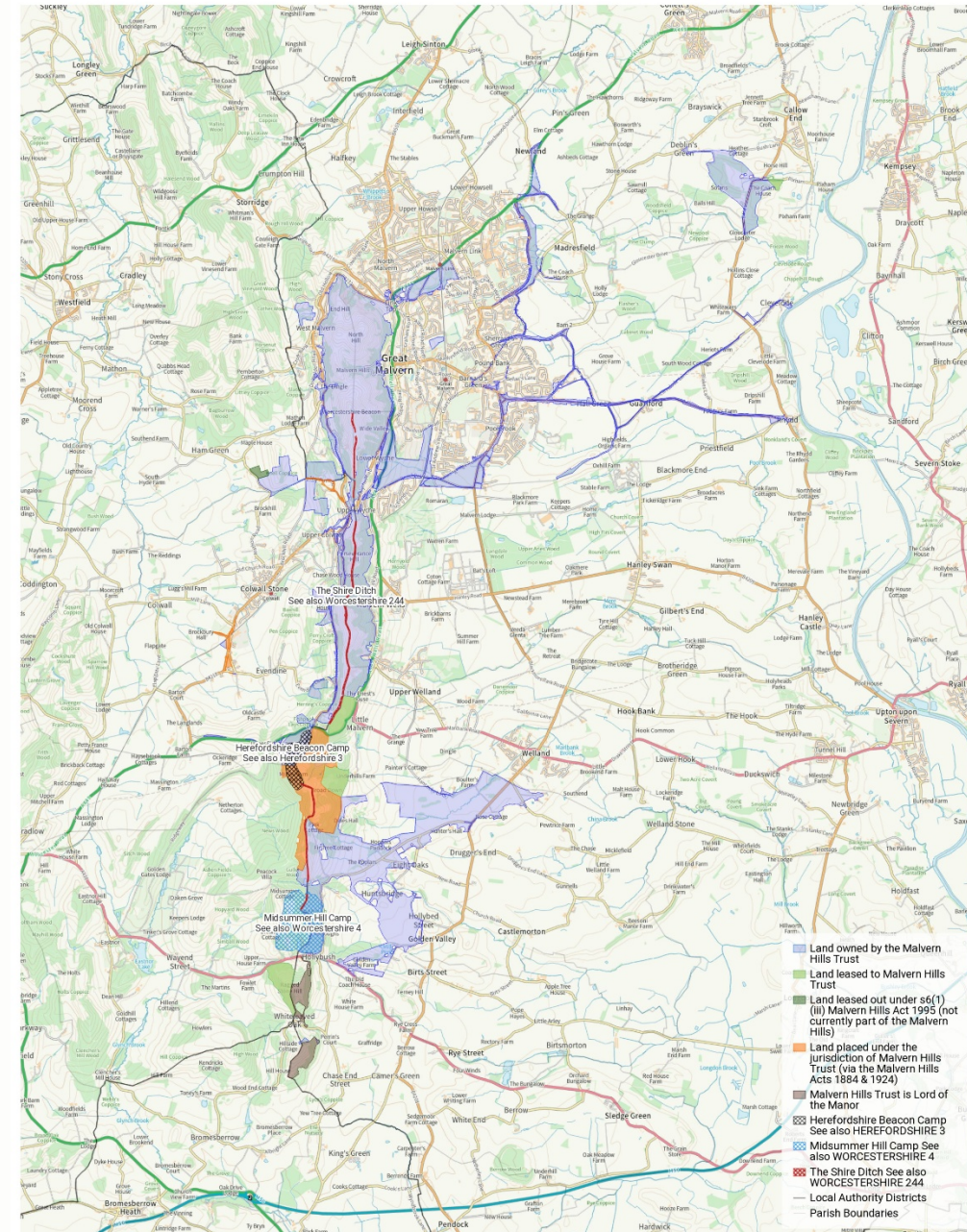




Scheduled Monuments

Designated under the Ancient Monuments and Archaeological Areas Act 1980.

- The Shire Ditch shown in red.
- Herefordshire Beacon Camp, aka British Camp, in black hatch.
- Midsummer Hillfort in blue hatch (National Trust owned and managed, not MHT).



Sheep on Worcestershire Beacon
with North Hill behind and Great
Malvern town to the east.





Guarlford Road
looking west toward
Great Malvern town.

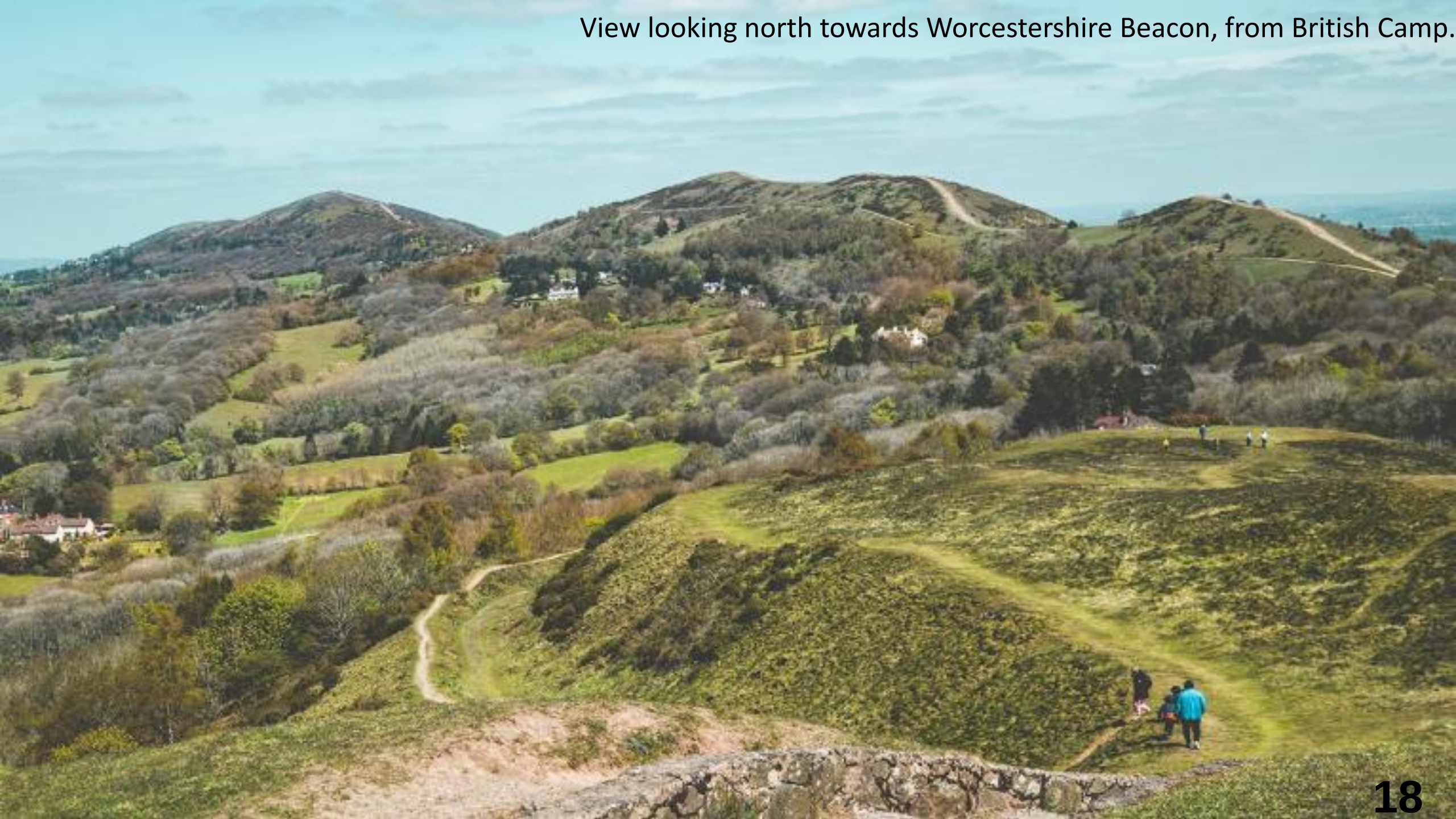




Malvern Common SSSI.



View looking north towards Worcestershire Beacon, from British Camp.



Commoner's livestock on Castlemorton Common





Early History – 1080 - 1628





Early History – a King's Third

A guide to the
C17 banks and
ditches of the
North Malvern
Hills

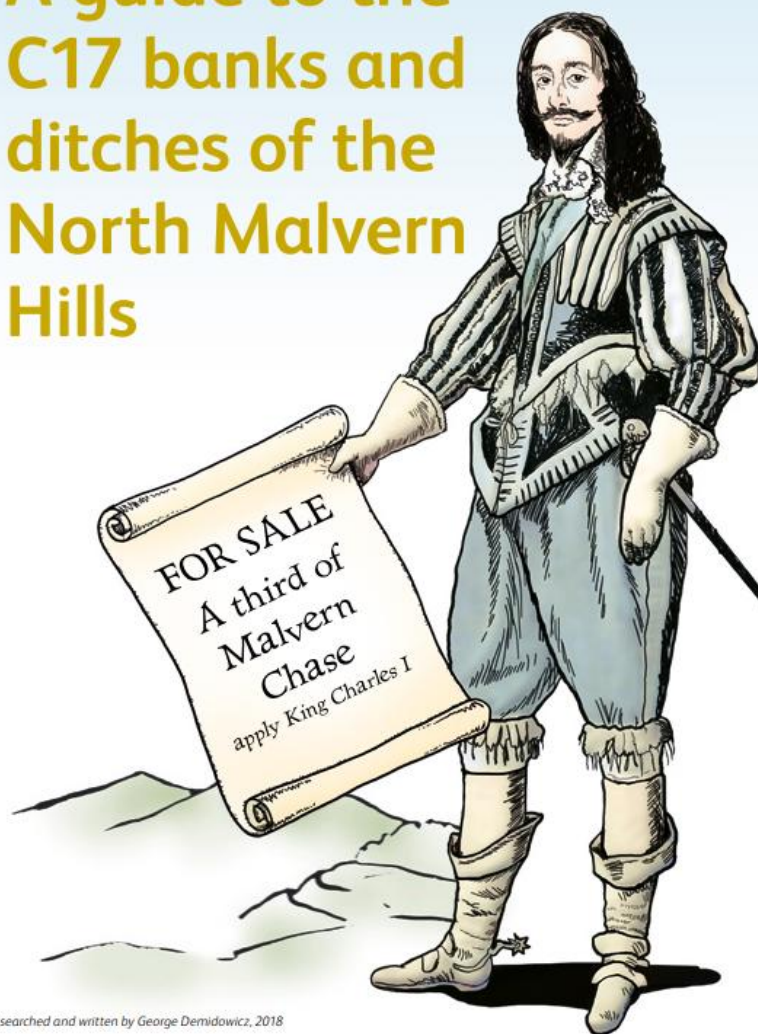
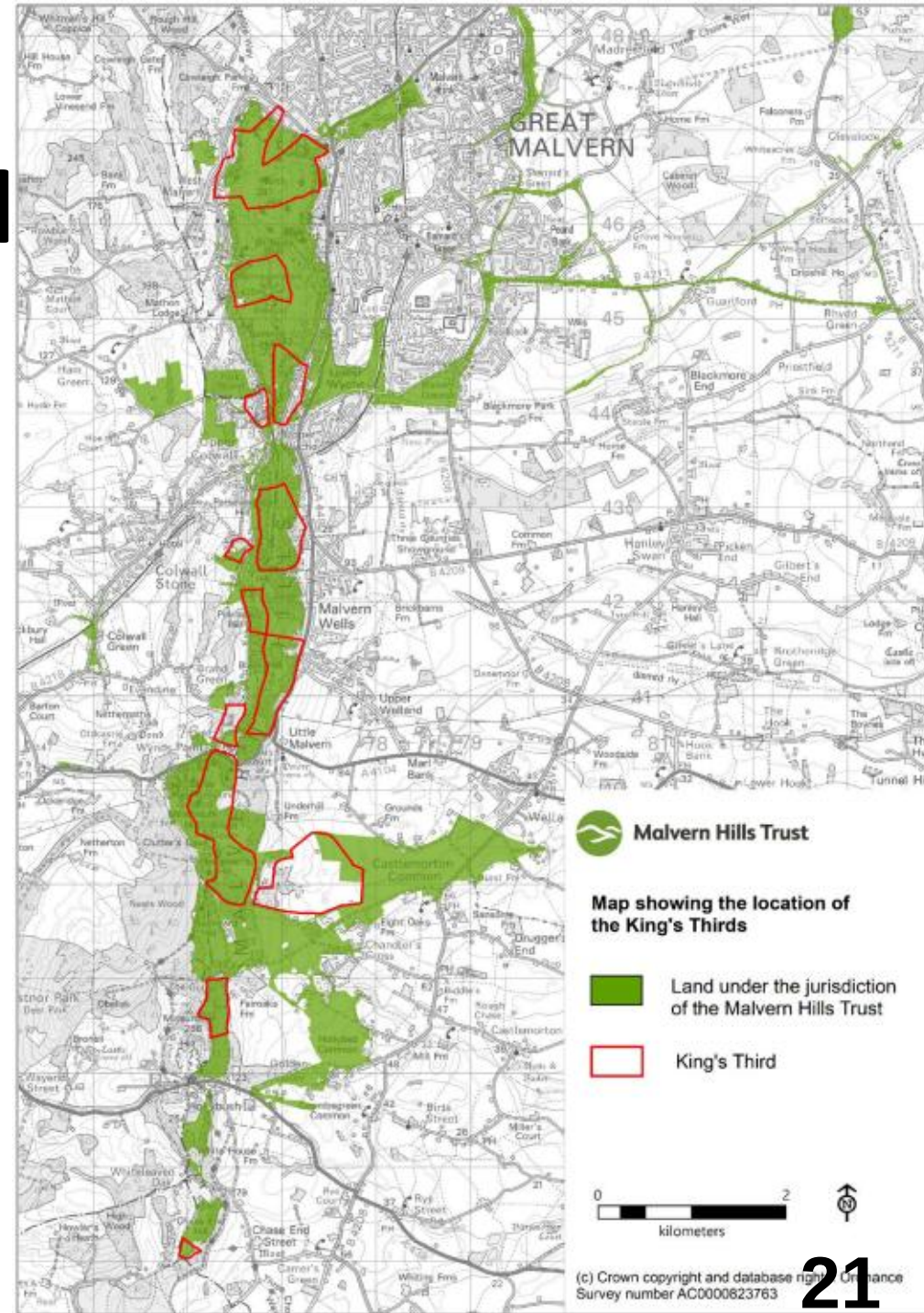


Image and map taken from
a leaflet about the land
sold by Charles 1st in the
1630's.

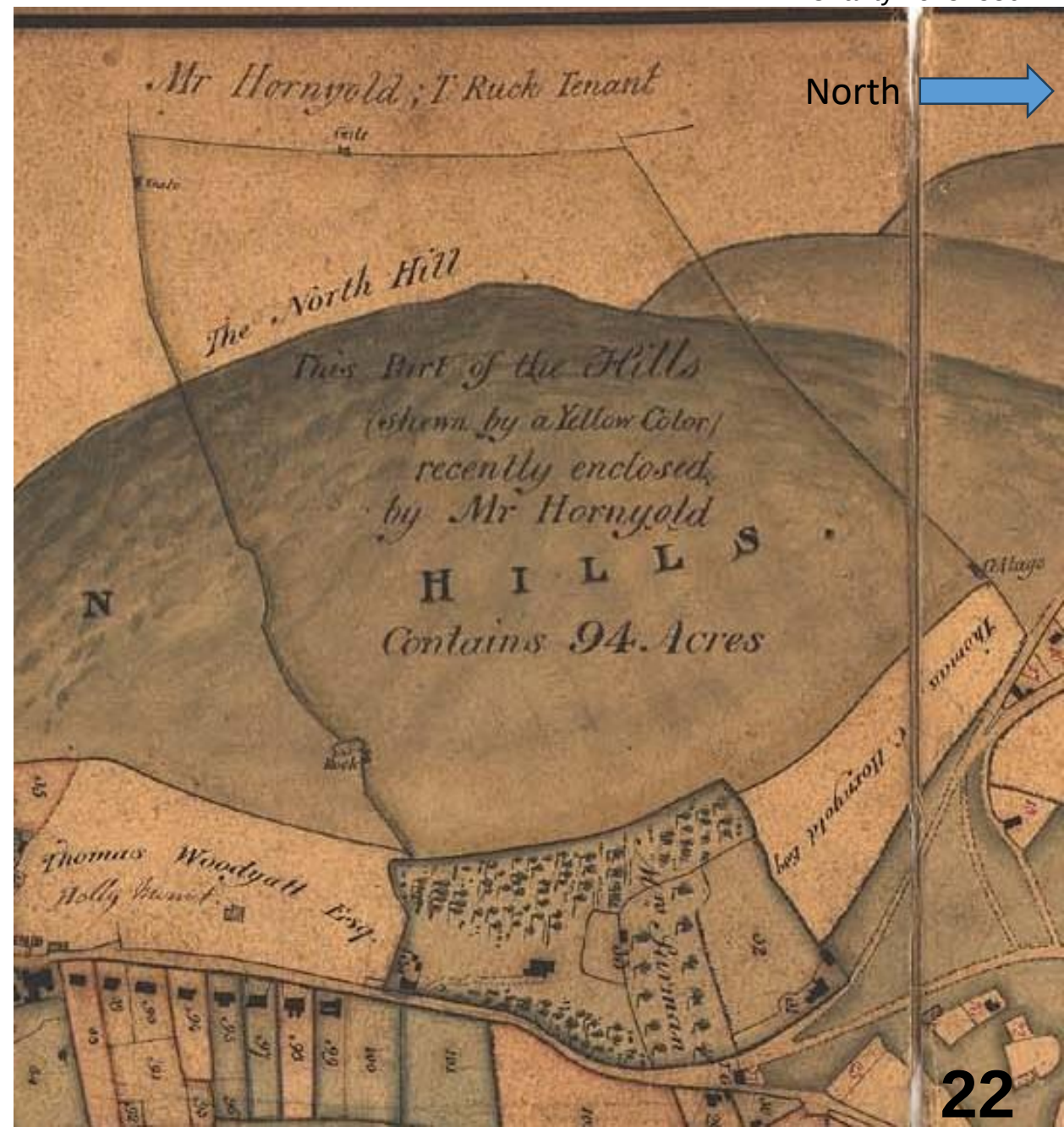




Early History – 1828

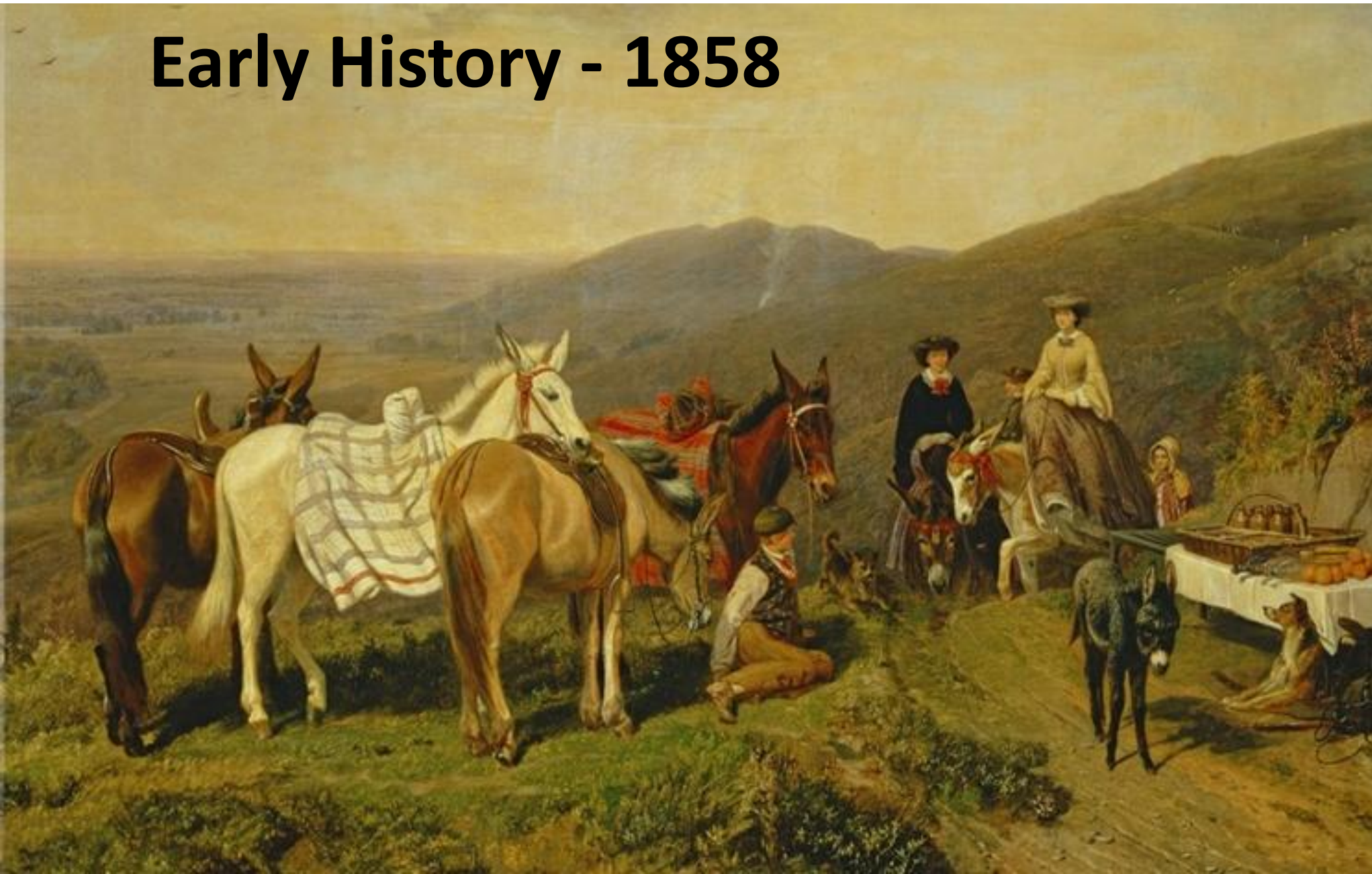
Representation of North Hill, above Hollymount, Great Malvern.

- Enclosure (legal privatisation) and encroachment (unlawful privatisation) happened all over the former Royal Forest / Chase, even parts of the high Hills were demarcated and fenced.
- Relics of the iron railing fence depicted on this document can still be found on the Hills today.





Early History - 1858



Painting of
Victorian visitors
to British Camp,
looking north. **23**



Early History – public demand for protection.



Left: one of the first Board of Conservators, early 1900s.

Right: Poster advertising a meeting about the Malvern Hills Bill that led to the 1884 Act.

MALVERN HILLS & COMMONS **Proposed Act of Parliament.**

A MEETING of FREEHOLDERS, TENANTS, and COMMONERS of GREAT MALVERN, COLWALL, and MATHON, will be held at the WORKMAN'S ROOM, COLWALL STONE, on SATURDAY, 11th NOVEMBER, at 3 o'clock, for the purpose of discussing the advantages or disadvantages of the BILL which is proposed (vesting the Hills and Commons in a body of Malvern Conservators), when the attendance of PERSONS interested in the subject is invited.

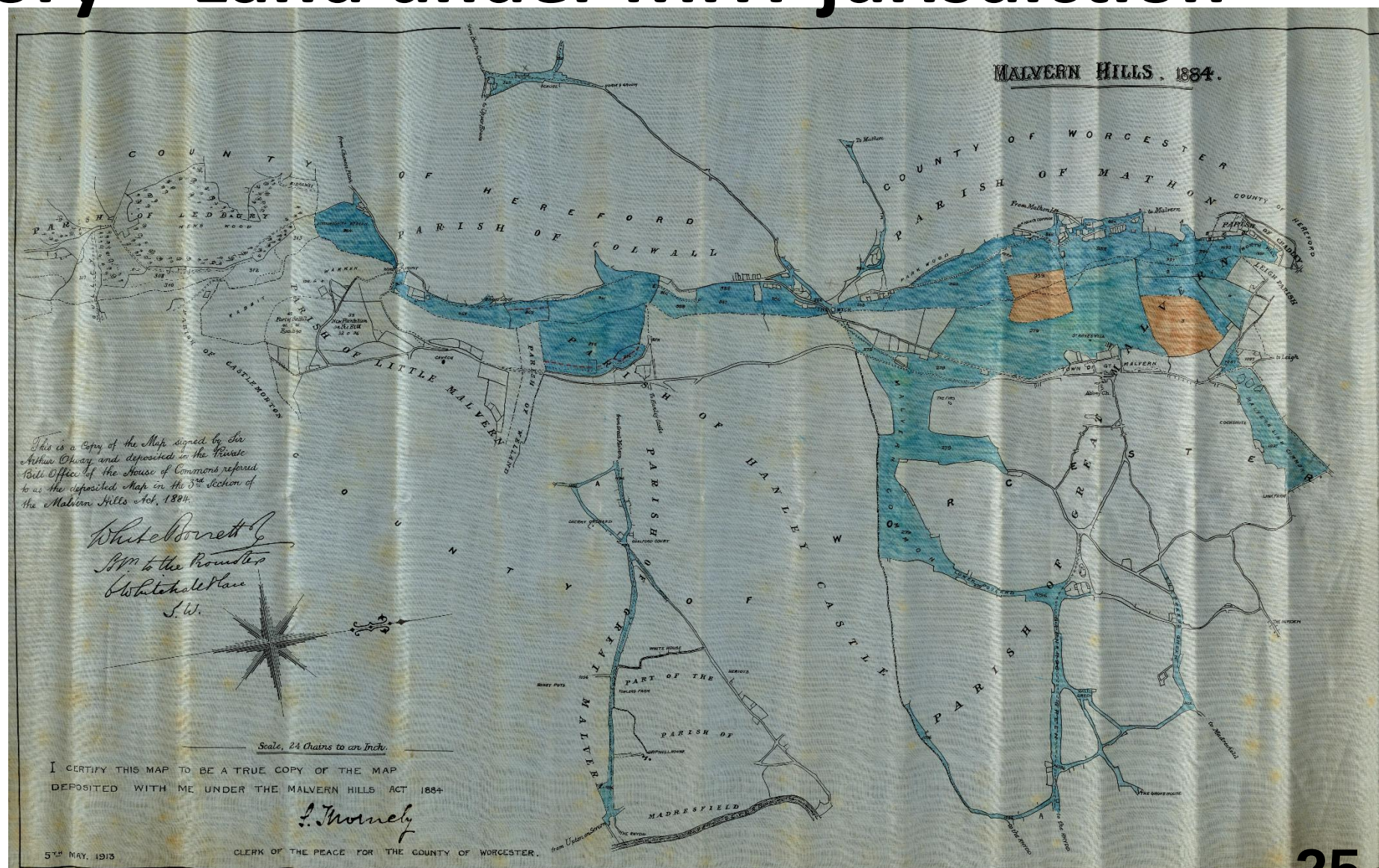
**STEPHEN BALLARD,
JOHN CHEESE,
HENRY LAKIN,
R. W. RAPER.**

Dated November 4th, 1882.



Early History – Land under MHT jurisdiction

1884





Early History - quarrying

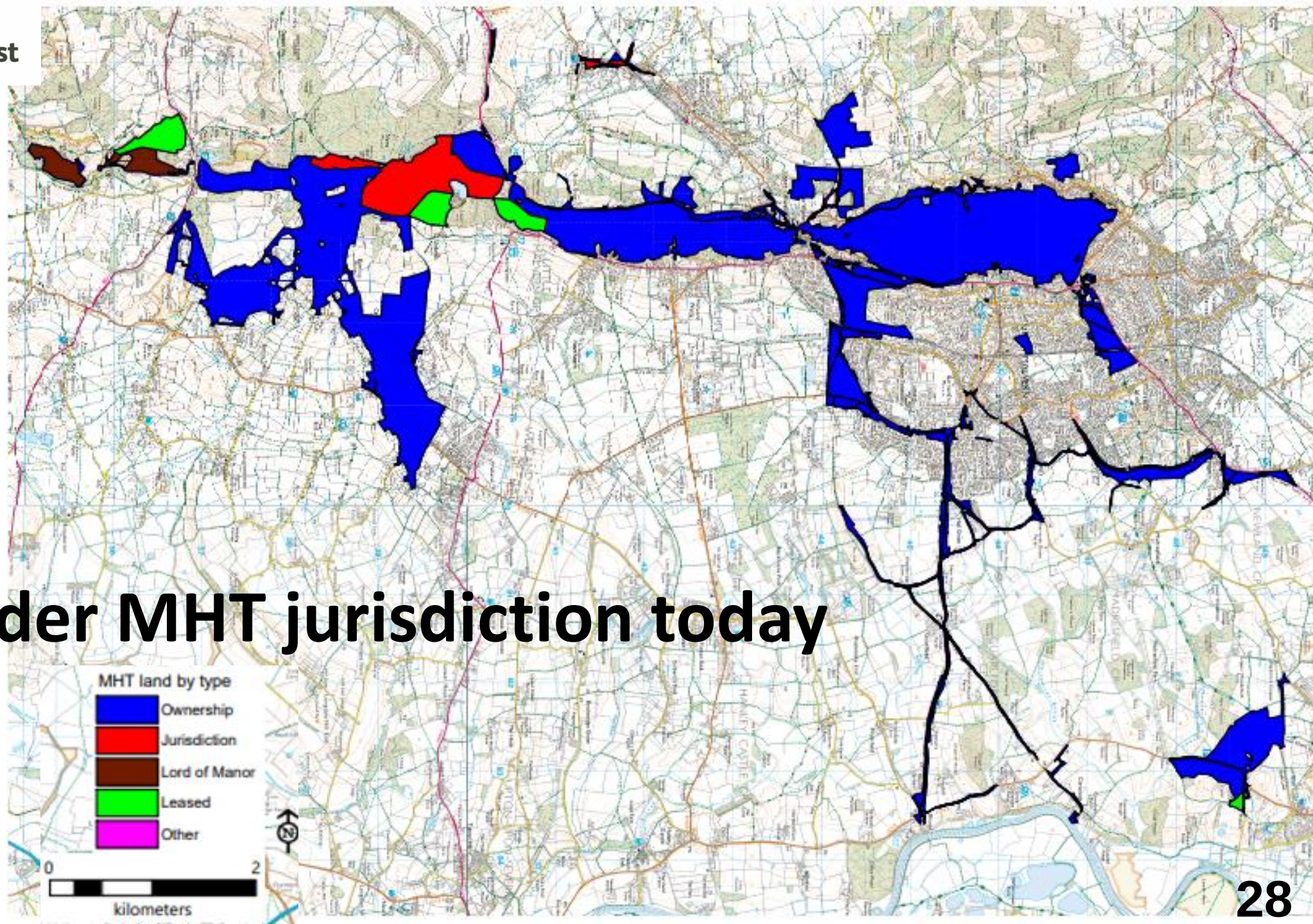
Tank and North
Quarry, Malvern
edged in yellow.
Gullet Quarry below.





Early History – Malvern Hills Act 1924.





Land under MHT jurisdiction today

3000 acres / 1200
hectares



Malvern Hills Trust

Malvern Hills & Commons today – suburban commons

Fairs on Link Common. School event on Malvern Common.

Caring for Malvern's Hills and Commons
Charity no. 515804





Malvern Hills & Commons today – highway verges

Guarlford Road, Malvern and MHT volunteers litter-picking on Townsend Way, Malvern.





Malvern Hills Trust

Malvern Hills & Commons today – northern hills



Walkers on Sugarloaf Hill.

Cyclist and mobility scooter on Worcestershire Beacon.

Paragliders on Pinnacle Hill.





Malvern Hills & Commons today – central hills

Black Hill, looking north.





Malvern Hills & Commons today – livestock grazing on the Hills

Graziers and livestock on northern and central Malvern Hills.





Malvern Hills & Commons today – southern hills

Chase End Hill (left) and Ragged Stone Hill.





Malvern Hills & Commons today – flat, open commons still grazed by commoners' livestock. Castlemorton Common.





Malvern Hills & Commons today – enclosed non-common land





Malvern Hills & Commons today – key features and places



Herefordshire Beacon (British Camp) hillfort Scheduled Monument & SSSI.



St Ann's Well, Malvern. Grade 2 listed.



Malvern Hills & Commons today – key features and places

SSSI habitats at Ragged Stone Hill (left) and at Malvern Common.





Malvern Hills & Commons today – key features and places

- Woodland covers approximately 33% of the land under MHT jurisdiction.
- Ancient Woodland (400 years+) covers 3% including Park Wood (right). Some of these ancient woods are SSSI habitats.
- The remaining 30% is made up of recently grown secondary woodland.





MHT volunteers at Old Hills (left). Ranger assisting a walker, British Camp car park.



Meet the MHT field staff event.



References

- Slide 1; image from [visitthemalverns.com](https://www.visitthemalverns.com) (2025) & quote from The Royal Commission on Common Land, 1958. HMSO.
- Slide 2; artwork by Dame Laura Knight.
- Slides 3-8 maps and images all MHT.
- Slide 9; British Camp and northwards, photograph from: www.cambridgeairphotos.com
- Slide 10; image by MHT.
- Slide 11; Malvern Chase Survey map image from Woolhope Naturalists <https://www.woolhopeclub.org.uk/> & tapestry image from www.medievalists.net
- Slide 12; images from leaflet 'A guide to the C17 ditches and banks of the North Malvern Hills'. Malvern Hills National Landscape.
- Slide 13; image of enclosure, North Hill. Author unknown.
- Slide 14; painting by Frederick William Keyl, 1858.
- Slide 15; photograph of Board of Conservators, MHT archive. Image of poster, taken from 'The Forest and Chase of Malvern', Pamela Hurle, 2007.
- Slides 16, 18, 19: MHT maps.
- Slide 17; Gullet Quarry photograph by Dave Bullard & North Quarry photograph from Britain from Above, Historic England. <https://www.britainfromabove.org.uk/>
- Slide 20, Fare photograph from Worcester News. <https://www.worcesternews.co.uk/news/19340261.mappfest-returning-malvern-2021---details/>. Runners by MHT. Old photograph of fare by author unknown, MHT archives.
- Slides 21, 22, 23, 24: all images MHT.
- Slide 25; Girl on hill photograph by Geoffrey Newman. Hill image copyright SuxxesPhoto <https://suxxesphoto.com/>
- Slides 26, 27; all images MHT.
- Slide 28; Hillfort image courtesy of Mick Davies. St Anns Well by MHT.
- Slide 29; RSH photograph by MHT. Photograph of Malvern Common courtesy of Jane Smith.
- Slides 30, 31, 32; all images MHT.