

2013 No. 30

FORESTRY

The Forestry Land Byelaws (Northern Ireland) 2013

Made - - - - *11th February 2013*

Coming into operation - *17th March 2013*

The Department of Agriculture and Rural Development, in exercise of the powers conferred by section 31 of the Forestry Act (Northern Ireland) 2010^(a), makes the following byelaws:

Citation and commencement

1. These byelaws may be cited as the Forestry Land Byelaws (Northern Ireland) 2013 and shall come into operation on 17th March 2013.

Interpretation

2. For the purpose of these byelaws:—

“the Act” means the Forestry Act (Northern Ireland) 2010;

“designated” means indicated by an official notice erected or displayed on forestry land;

“intoxicating liquor” has the meaning given in the Licensing (Northern Ireland) Order 1996^(b)

“invalid carriage” means a mechanically propelled vehicle the weight of which unladen does not exceed 254 kilograms and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is used solely by such a person;

“official notice” means any notice erected, displayed or published by the Department for the purposes of these byelaws;

“permission” means a permission granted in accordance with byelaw 4.

Application

3. These byelaws shall apply to forestry land.

Permission

4.—(1) Nothing in these byelaws shall make unlawful anything done with the permission of the Department.

(2) Any permission granted by the Department for the purposes of these byelaws—

(a) shall be in writing;

^(a) 2010 c. 10 (N.I.)

^(b) S.I. 1996/3158 (N.I. 22)

- (b) may be subject to conditions specified in the permission; and
- (c) may be revoked in writing at any time.
- (3) A permission may be general or may apply to specific cases.
- (4) A general permission may be given by official notice.

Access to forestry land

5.—(1) The right of access granted under section 31(1) of the Act does not apply in relation to an area which is designated as restricted.

- (2) The Department may restrict access in an area—
 - (a) where the Department has identified a health and safety risk, including risks associated with harvesting of trees, use of chemicals and construction works;
 - (b) where the Department is carrying out protection and management of wildlife, wildlife habitats or flora and fauna;
 - (c) to prevent the spread of animal or plant disease or plant pests;
 - (d) for a social, sporting, cultural or artistic event;
 - (e) which is subject to a lease, licence or agreement between the Department and a third party.

Protection of property

- 6. A person shall not—
 - (a) intentionally or recklessly interfere with any building, structure or official notice;
 - (b) drop or leave any lighted match, tobacco, cigar, cigarette or other burning material, or set fire to any tree or vegetation whether living or not;
 - (c) display any notice, placard or bill without the permission of the Department;
 - (d) leave open or obstruct any gate or moveable barrier that the Department has in place;
 - (e) drop or leave any rubbish, refuse or litter except in receptacles provided for that purpose.

Protection of forestry land and wildlife

- 7. A person shall not —
 - (a) dig up or remove any soil, turf, leafmould, moss, peat, gravel, stone, sand or minerals of any sort;
 - (b) intentionally or recklessly destroy or interfere with any plant, tree or flower;
 - (c) intentionally or recklessly disturb, injure, destroy, take or ill-treat any form of wildlife, or interfere with their habitats, or attempt to do so;
 - (d) pollute or do anything which is likely to pollute water; or interfere with or do anything which is likely to interfere with the flow of any water.

Protection of the public

- 8. A person shall not —
 - (a) intentionally or recklessly endanger or obstruct any person in the lawful use of forestry land;
 - (b) use abusive, indecent or obscene language likely to give reasonable cause for annoyance to any person;
 - (c) consume intoxicating liquor so as to act to the danger of, or give reasonable cause for annoyance to, any person;
 - (d) act in a manner likely to harass, or cause alarm or distress to, any person.

9.—(1) A person shall not make or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to any person, including by means of—

- (a) shouting or singing;
- (b) playing a musical instrument;
- (c) operating or permitting to be operated any radio, amplifier, CD player, MP3 player or other device capable of emitting sound;
- (d) operating or permitting to be operated any machinery.

(2) This byelaw shall not apply to any person holding or taking part in any entertainment, event or activity with the permission of the Department.

Fires, stoves and barbecues

10.—(1) A person shall not light any fire, stove or barbecue other than in an area designated for that purpose, unless otherwise permitted by the Department.

(2) The fires, stoves and barbecues referred to in paragraph (1) may only be lit in such a manner as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation.

General management

11. A person shall not without the permission of the Department—

- (a) erect, set up or place any structure;
- (b) sell, offer for sale, hire or distribute anything.

Camping

12. A person shall not erect a tent or use a vehicle, caravan or any other structure for the purpose of camping without the permission of the Department.

Vehicles and cycles

13.—(1) A person shall not drive, ride, park or leave any mechanically propelled vehicle on to or upon any area of forestry land except—

- (a) on a road, parking facility or paved area designated as being for the use of mechanically propelled vehicles; or
- (b) for the discharge by any person of any acts or duties carried out for or in connection with any functions of the Department.

(2) This byelaw shall not apply to invalid carriages.

14.—(1) A person shall not—

- (a) drive or ride any mechanically propelled vehicle or cycle in a direction other than that designated, if any;
- (b) drive or ride any mechanically propelled vehicle, or ride any cycle at a speed exceeding the designated speed limit;
- (c) drive or ride any mechanically propelled vehicle or ride any cycle in a manner which is unsafe or likely to give reasonable cause for annoyance or alarm to other persons;
- (d) drive or ride any mechanically propelled vehicle or ride any cycle into any area referred to in byelaw 5.

(2) Sub-paragraph (a) shall not apply to invalid carriages.

Dogs

15.—(1) A person having charge of a dog on forestry land shall—

- (a) keep the dog under proper control and restrained from giving reasonable cause for annoyance or alarm to other persons or animals;
- (b) keep the dog on a lead in areas designated as areas where dogs are required to be kept on a lead;
- (c) place the dog on a lead if requested to do so by an authorised person;
- (d) not take the dog into or permit it to enter or remain in an area where dogs are excluded;
- (e) remove and dispose of any excrement deposited by the dog in such a manner as to ensure that it will not constitute a nuisance to other persons.

(2) Sub-paragraphs (d) and (e) shall not apply to a disabled person in charge of an assistance dog.

(3) For the purposes of this byelaw—

- (a) “disabled person” has the meaning given in the Disability Discrimination Act 1995^(a);
- (b) “assistance dog” means—
 - (i) a dog which has been trained to guide a blind person;
 - (ii) a dog which has been trained to assist a deaf person;
 - (iii) a dog which has been trained by a charitable organisation to assist a disabled person who has a disability which—
 - (aa) consists of epilepsy; or
 - (bb) otherwise affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects.

Requests to leave

16. A person shall comply, within a reasonable time, with any request which is made under section 31(6) of the Act to leave forestry land.

Offence

17.—(1) It shall be an offence for a person to contravene any provision of these byelaws.

(2) Nothing in these byelaws shall make unlawful any act done by an officer of the Department in the execution of his or her proper duties.

Saving for proceedings

18.—(1) The provisions of these byelaws shall not prejudice the taking of any other proceedings whatsoever in respect of any matter or thing constituting an offence against these byelaws.

(2) Nothing in or done under any of the provisions of these byelaws shall in any respect prejudice or injuriously affect any public right of way through the land, or the rights of any person acting legally by virtue of some estate, right or interest in, over or affecting the land or any part thereof.

Revocation

19. The Forest Parks and Forest Recreation Areas Bye-Laws (Northern Ireland) 1979 are revoked^(b).

^(a) 1995 c. 50

^(b) S.R. 1979 No. 150

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 11th February 2013.



Malcolm Beatty

A senior officer of the Department of Agriculture and Rural Development

EXPLANATORY NOTE

(This note is not part of the Order)

The byelaws relate to all forestry land held by the Department of Agriculture and Rural Development.

Byelaw 5 regulates the right of access to forestry land. Byelaw 6 regulates the protection of property. Byelaw 7 regulates the protection of forestry land and wildlife. Byelaws 8 and 9 regulate protection of the public. Byelaw 10 regulates the use of fires, stoves and barbecues. Byelaw 12 regulates camping. Byelaws 13 and 14 regulate the use of vehicles and cycles. Byelaw 15 regulates the control of dogs.

It is an offence to contravene any provision of these byelaws, and any person committing such an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale, and in the case of a continuing offence, to a further fine not exceeding one-tenth of level 3 on the standard scale in respect of each day during which the offence is continued after conviction.

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