
STATUTORY RULES OF NORTHERN IRELAND

2011 No.

FORESTRY

The Forestry Land Byelaws (Northern Ireland) 2011

Made - - - - 2011

Coming into operation - 2011

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

Citation and commencement

1. These byelaws may be cited as the Forestry Land Byelaws (Northern Ireland) 2011 and shall come into operation on xx xxx 2011.

Interpretation

2. For the purpose of these byelaws:—

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

“application” means application in writing to the Department;

“designated” means indicated by an official notice;

“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 or displayed within forestry land by the Department;

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

Application

3. These byelaws shall apply to forestry land.

Permission

4.—(1) 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.)

- (b) may be subject to conditions specified therein; and
 - (c) may be revoked in writing at any time.
- (2) A permission may be general or may apply to specific cases.
- (3) 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 is excluded between sunset and sunrise.

- (2) The right of access granted under section 31(1) of the Act does not apply in relation to—
- (a) any area where the Department has identified a health and safety risk, including harvesting of trees, use of chemicals and construction works;
 - (b) any area where the Department is carrying out protection and management of wildlife, wildlife habitats or flora and fauna;
 - (c) any area where the Department has restricted access to prevent the spread of plant health disease;
 - (d) any area where access is restricted under a lease between the Department and a third party.
- (3) A person shall not—
- (a) enter or remain on forestry land between sunrise and sunset unless permitted by the Department;
 - (b) enter or exit forestry land except through a gateway or other access point provided by the Department;
 - (c) enter any forestry land or any part of it, including any building, unless in accordance with section 31(1) of the Act or with the permission of the Department.
- (4) Paragraph (1) shall not prevent any person from camping on forestry land with the permission of the Department.

Protection of property

- 6.** A person shall not—
- (a) wilfully damage or 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;
 - (d) use a metal detector;
 - (e) leave open or obstruct any gate or moveable barrier that the Department has in place;
 - (f) drop or leave any rubbish, refuse or litter except in receptacles provided for that purpose;
 - (g) damage or deface any structure situated on or any part of forestry land by the writing of graffiti;
 - (h) remove from or displace any barrier, railing, sign post or seat or any part of any structure or ornament or any implement provided for use in or for the maintenance of forestry land.

Protection of forestry land and wildlife

- 7.**—(1) A person shall not —
- (a) dig up or remove any soil, turf, leafmould, moss, peat, gravel, slag, sand or minerals of any sort;

- (b) dig up, remove, cut, run over or injure any tree, shrub or plant, whether living or not, or remove the seeds (except picking common berries or fruits or other edible plants or fungi, provided that these are taken for personal use only);
- (c) wilfully disturb, injure, destroy, take or ill-treat any form of wildlife or attempt to do so;
- (d) engage in the setting of traps or nets or the laying of snares;
- (e) wilfully disturb, damage or destroy the burrow, den, sett or lair or the place of refuge of any wild animal, or the nest or eggs of any bird;
- (f) 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.

(2) This byelaw shall not prohibit any fishing which may be authorised by the Department in accordance with byelaw 16.

Protection of the public

8. A person shall not—

- (a) carry, throw or use any firearm, shotgun, bow or other missile weapon, or any ammunition or missile for the same;
- (b) wilfully obstruct, disturb or annoy in any manner any person in the proper or lawful use of forestry land;
- (c) use abusive, indecent or obscene language likely to give reasonable cause for annoyance to other persons;
- (d) leave or abandon any article or object likely to cause injury or danger to other persons;
- (e) acting to the danger of, or so as to give reasonable cause for annoyance to, any other person, consume intoxicating liquor.

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 other persons by—

- (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.

Protection general

10.—(1) A person shall not light any fire or stove other than a proper barbeque or camping stove.

(2) The barbeques and camping stoves referred to in paragraph (1) may only be lit—

- (a) in designated areas; and
- (b) in such a manner as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation.

General management

11.—(1) A person shall not—

- (a) erect, set up or place any post, rail, fence, pole, tent, booth, stand building or structure of any kind otherwise than for the purpose of camping, without the permission of the Department;
- (b) sell, offer for sale, hire or distribute anything without the permission of the Department;

- (c) organise any event, show or exhibition without the permission of the Department;
- (d) operate any aircraft, glider, hot-air balloon, boat, raft or craft of any kind, including any model versions, on forestry land;
- (e) bathe or swim in any waters on forestry land without the permission of the Department;
- (f) use any lavatory facilities in an improper manner.

Camping

12. A person shall not erect a tent or use a vehicle, caravan or any other structure for the purpose of camping unless—

- (a) with the permission of the Department; and
- (b) in an area designated for camping.

Vehicles

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 by the Department as being for the use of mechanically propelled vehicles; or
- (b) with the permission of the Department; or
- (c) for the discharge by any person of any acts or duties carried out for or in connection with any functions of the Department.

(2) A person shall not ride a cycle other than in an area designated for cycling.

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

14.—(1) A person shall not—

- (a) drive or ride any mechanically propelled vehicle in a direction other than that indicated by official notice;
- (b) drive or ride any mechanically propelled vehicle, or ride any cycle at a speed exceeding the speed limit of 15 miles per hour or such other speed limit as may be fixed by the Department;
- (c) park or leave unattended any mechanically propelled vehicle between the hours of sunset and sunrise; or abandon any mechanically propelled vehicle on forestry land;
- (d) drive or ride any mechanically propelled vehicle or ride a cycle in a manner which is unsafe or likely to give reasonable cause for annoyance or alarm to other persons.

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

Games and play activities

15. A person shall not organise, play or practise any game or sport in such a manner as to endanger, annoy or disturb other persons or animals or cause damage to the environment or property.

Fishing

16. A person shall not cast a net or line for the purpose of catching fish except in an area provided for fishing.

Dogs, horses and other animals

17.—(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 at all times, except in such areas as may be designated by the Department as areas where dogs are not 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) This byelaw shall not apply to a disabled person in charge of an assistance dog or to a stock person in charge of a working dog being used for the droving of livestock.

(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 guide a deaf person;
 - (iii) a dog which has been trained to assist a disabled person.

18. A person shall not—

- (a) bring or allow a horse to remain on forestry land unless permitted by the Department;
- (b) lead, walk or ride a horse, except on designated routes and as permitted by the Department;
- (c) lead, walk or ride a horse in a manner which is unsafe or likely to give reasonable cause for annoyance or alarm to other persons.

19. A person shall not otherwise allow any horse, cattle, sheep or other animal to enter onto or remain on forestry land for the purpose of grazing or otherwise, without the permission of the Department.

Offence

20.—(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

21.—(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

22. 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 xx xxx 2011.



David Small

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 barbeques and camping stoves. Byelaw 12 regulates camping. Byelaws 13 and 14 regulate the use of vehicles. Byelaw 15 regulates the playing of games and sports. Byelaws 17 and 18 regulate the control of dogs and horses respectively.

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.