
STATUTORY INSTRUMENTS

1982 No. 648**FORESTRY****The Forestry Commission Byelaws 1982***Laid before Parliament in draft*

<i>Made</i>	- - - -	<i>5th May 1982</i>
<i>Coming into Operation</i>		<i>1st June 1982</i>

The Forestry Commissioners, in exercise of the powers conferred on them by section 46(1) of the Forestry Act 1967(a) and of all other powers enabling them in that behalf, after consultation with the Verderers of the New Forest and of the Forest of Dean in accordance with section 47(1) of that Act, hereby make the following byelaws, a draft of which has been laid before Parliament:—

Title and Commencement

1. These byelaws may be cited as the Forestry Commission Byelaws 1982 and shall come into operation on 1st June 1982.

Interpretation

2. In these byelaws:—

“the Arboretum” means those lands of the Commissioners known as the Westonbirt Arboretum, Silk Wood, The Downs and Westonbirt Arboretum Car Park in the County of Gloucestershire;

“the Commissioners” means the Forestry Commissioners;

“the Forest of Dean” means the lands of the Commissioners which are situated in the parishes and community specified in Schedule 1;

“lands of the Commissioners” means lands which are under the management or control of the Commissioners and to which the public have, or may be permitted to have, access;

“the New Forest” means the lands of the Commissioners for the time being constituting the area commonly known as the New Forest in the County of Hampshire;

(a) 1967 c. 10; section 46(1) should be read with section 58(3) of the Countryside (Scotland) Act 1967 (c. 86) and section 23(4) of the Countryside Act 1968 (c.41).

“the Pinetum” means those lands of the Commissioners known as the Bedgebury Pinetum, Bedgebury Pinetum Car Park and Forest Plots in the County of Kent.

Application

3.—(1) Byelaws 5, 6 and 7 shall apply to all lands of the Commissioners except that byelaw 5(xi) shall not apply to the New Forest or to the Forest of Dean.

(2) Byelaws 8 and 9 shall apply only to the Arboretum and the Pinetum, byelaws 10 and 11 shall apply only to the New Forest and byelaw 12 shall apply only to the Forest of Dean.

(3) Nothing in these byelaws shall make unlawful anything done with the written authority of the Commissioners.

(4) Nothing in these byelaws shall prejudice or be in derogation of any right, power or duty vested in, or imposed on, the Verderers of the New Forest or of the Forest of Dean by virtue of any enactment or otherwise.

Revocation of byelaws

4. The byelaws mentioned in Schedule 2 are hereby revoked.

Acts prohibited on the lands of the Commissioners

5. No person shall in or on the lands of the Commissioners:—

- (i) enter any area on or near which there is displayed by the Commissioners a notice prohibiting entry thereon;
- (ii) enter any building, structure or mine unless there is a notice displayed thereon by the Commissioners permitting or implying access thereto;
- (iii) leave open or obstruct any gate or moveable barrier giving access to any enclosed plantation or other enclosed area;
- (iv) light any fire or stove or leave any lighted match, tobacco, cigar or cigarette;
- (v) remove or damage any building, wall, gate, stile, fence, railing, post, chain, seat, drain, pipe-line, notice-board, receptacle for rubbish or any other thing belonging to the Commissioners;
- (vi) display any notice, placard or bill;
- (vii) dig up, remove, cut or injure any tree, shrub or plant, whether living or not, or remove the seeds therefrom, or dig up or remove any soil, turf, leafmould, moss, peat, gravel, slag, sands or minerals of any kind;
- (viii) disturb or remove archaeological or historical remains;
- (ix) operate a metal detector;
- (x) set up or place any caravan, tent, booth, stall or erection of any kind, including equestrian equipment;

- (xi) turn out to graze or feed or allow to remain thereon any animal or fowl;
- (xii) permit any animal in his charge to be out of control;
- (xiii) except in the New Forest or on bridleways, which are public bridleways or bridleways specified by the Commissioners, ride or lead any horse;
- (xiv) permit a dog for which he is responsible to disturb, worry or chase any bird or animal or, on being requested by an officer of the Commissioners, fail to keep the dog on a leash;
- (xv) ply for hire with, or let out for hire, any mechanically-propelled or other vehicle or any horse or other animal;
- (xvi) sell or distribute anything or offer or expose anything for sale;
- (xvii) set up beehives;
- (xviii) wilfully disturb, injure, catch, net, destroy or take any bird, fish, reptile or animal, or attempt to do so, or take the eggs of any bird;
- (xix) catch or net for the purposes of any collection any butterfly, moth or dragonfly;
- (xx) wilfully disturb, damage or destroy the burrow, den, set or lair of any wild animal;
- (xxi) carry or use any firearm, shotgun, bow or other missile weapon, or any ammunition or missile for use therewith;
- (xxii) dam or obstruct or restrain the flow of water in any watercourse or break the banks thereof, or open or close any sluice belonging to the Commissioners;
- (xxiii) operate any aircraft, glider, hot-air balloon, boat, raft or craft of any kind, or any model aircraft, boat or car;
- (xxiv) play or practice any game or sport in such a manner as to disturb the peaceful use of such lands or endanger the public or animals;
- (xxv) play any musical instrument or operate any radio receiving set or any other apparatus for the production or emission by electrical or mechanical means of sound, speech or images in such a manner as to cause annoyance to any person lawfully in or on such lands;
- (xxvi) wilfully obstruct, disturb or annoy in any manner any person lawfully in or on such lands;
- (xxvii) wilfully break any bottle or glass object;
- (xxviii) place or leave on such lands (except in receptacles provided for the purpose by the Commissioners or by any other competent authority) any litter, rubbish, filth or refuse of any kind;
- (xxix) direct or discharge or cause to be directed or discharged, whether by means of a pipe, stream or excavation or in any other manner, any sewage or other noxious substance or any dangerous chemicals in such a manner as to constitute a nuisance;
- (xxx) deliver any public speech, lecture, sermon or address, or hold or take part in any public meeting, procession, exhibition or festival of any kind;
- (xxx1) wilfully evade payment of any charges or tolls levied by the Commissioners for the use of car parks or forest roads.

6.—(1) Subject to paragraph (2) of this byelaw no person shall bring or cause to be brought on to the lands of the Commissioners any vehicle other than a perambulator or wheelchair drawn or propelled by hand or by electrical power and used solely for the conveyance of a child or children or an invalid.

(2)(a) Paragraph (1) of this byelaw shall not apply:—

- (i) to the parking of any vehicle by the side of a highway;
 - (ii) where the Commissioners provide an area for use for the parking or stopping thereon of vehicles of any specified class or classes, to the bringing into such an area by any person of a vehicle of the specified class or classes, or to the use of any such vehicle on a route or way specified by the Commissioners for obtaining access to such an area.
- (b) If any such area or access route or way referred to in paragraph (2)(a)(ii) of this byelaw is provided by the Commissioners for use only during a specified period of the day, the provisions of that paragraph shall not have effect in relation to the bringing by any person of any vehicle into that area or on to that access route or way at any other time.

7. No person shall on the lands of the Commissioners:—

- (i) drive a motor vehicle as a learner driver;
- (ii) use or operate a motor vehicle without an efficient silencer;
- (iii) park or leave unattended a motor vehicle between the hours of sunset and sunrise except by the side of a highway for a stop of reasonable duration for refreshment or other reasonable cause.

Additional acts prohibited in the Arboretum and the Pinetum

8. No person shall in the Arboretum or the Pinetum:—

- (i) picnic otherwise than where the Commissioners set apart a space described in a notice displayed there;
- (ii) play any ball game;
- (iii) bathe or wade in any pond or stream;
- (iv) climb any tree, wall or fence;
- (v) fly any kite.

9. No person shall:—

- (i) enter or leave the Arboretum or the Pinetum otherwise than by an entrance or exit authorised by the Commissioners;
- (ii) bring into the Arboretum or the Pinetum any plant or any living part of a plant.

Additional acts prohibited in the New Forest

10. No person shall in the New Forest drive any vehicle at a speed greater than 20 miles per hour.

11. No person shall in the New Forest:—

- (i) turn out in any area of plantations enclosed by the Commissioners to graze or feed or allow to remain therein any animal or fowl;
- (ii) without lawful authority, turn out in any area of the Forest (not being an area of plantations enclosed by the Commissioners) to graze or feed or allow to remain therein any animal or fowl.

*Additional acts prohibited in the Forest of Dean***12. No person shall in the Forest of Dean:—**

- (i) turn out in any area of plantations enclosed by the Commissioners to graze or feed or allow to remain therein any animal or fowl;
- (ii) without lawful authority, turn out in any area of the Forest (not being an area of plantations enclosed by the Commissioners) to graze or feed or allow to remain therein any animal or fowl except such sheep as the Commissioners suffer to graze therein;
- (iii) turn out in any area of the Forest (not being an area of plantations enclosed by the Commissioners) to graze or feed or allow to remain therein any sheep, other than a lamb, which is not clearly marked with the owner's identification marks being identification marks registered with the Deputy Surveyor of the Forest of Dean as the owner's.

In Witness whereof the Official Seal of the Forestry Commissioners is hereunto affixed on 5th May 1982.



P. J. Clarke,
Secretary to the Forestry Commission.

SCHEDULE 1

Byelaw 2

The Forest of Dean
Parishes and Community

In the County of Gloucestershire, the parishes of Alvington, Awre, Blaisdon, Cinderford, Coleford, Drybrook, English Bicknor, Hewelsfield, Littledean, Longhope, Lydbrook, Lydney, Mitcheldean, Newland, Newnham, Ruardean, Ruspidge, St. Briavels, Staunton, Tidenham, West Dean and Woolaston.

In the County of Hereford and Worcester, the parishes of Goodrich, Hope Mansell, Ross Rural, Walford and Whitchurch.

In the County of Gwent, the part of Monmouth Community which is situated east of the River Wye.

SCHEDULE 2

Byelaw 4

Byelaws revoked	Reference
The Bedgebury Pinetum Byelaws 1969	S.I. 1969/ 312
The New Forest Byelaws 1970	S.I. 1970/1068
The Forestry Commission Byelaws 1971	S.I. 1971/ 997
The Westonbirt Arboretum Byelaws 1972	S.I. 1972/ 303
The Forest of Dean Byelaws 1975	S.I. 1975/ 918
The Forestry Commission Byelaws 1975	S.I. 1975/ 919

EXPLANATORY NOTE

(This Note is not part of the Byelaws.)

These byelaws consolidate with substantial amendments the Bedgebury Pinetum Byelaws 1969, the New Forest Byelaws 1970, the Forestry Commission Byelaws 1971 and 1975, the Westonbirt Arboretum Byelaws 1972 and the Forest of Dean Byelaws 1975. The modifications include both new provisions and the extension generally of some provisions which were formerly of limited application.

The main provisions of these byelaws—namely, byelaws 5, 6 and 7—are of general application to all the lands under the management of the Forestry Commissioners to which the public have access, and are made to preserve the trees, to prevent injury or disfigurement of the land or its amenities and to regulate the reasonable use of the land by the public for the purposes of exercise and recreation.

Provisions newly included in the byelaws forbid entry to buildings, structures or mines unless access is permitted by a notice (byelaw 5(ii)), disturbance or removal of archaeological or historical remains and the operation of metal detectors (byelaws 5(viii) and (ix)), setting up of beehives (byelaw 5(xvii)), taking the eggs of any bird (byelaw 5(xviii)), operating a hot-air balloon (byelaw 5(xxiii)), playing games or sports in a manner disturbing the peaceful use of the Commissioners' lands (byelaw 5(xxiv)), and wilfully evading payment of any charges or tolls levied by the Commissioners for the use of car parks or forest roads (byelaw 5(xxxi)).

Byelaws which have previously applied to particular areas only, but which are now given a general application, are prohibitions on entering areas entry to which is prohibited by notice (byelaw 5(i)), leaving open gates leading to enclosed areas (byelaw 5(iii)), displaying notices or placards (byelaw 5(vi)), turning out animals to feed (byelaw 5(xi)), permitting dogs to chase animals (byelaw 5(xiv)), plying for hire or letting out for hire vehicles or animals (byelaw 5(xv)), catching butterflies, moths or dragonflies for a collection (byelaw 5(xix)), wilfully disturbing or destroying the lairs of wild animals (byelaw 5(xx)), opening or closing sluices (byelaw 5(xxii)), operating aircraft, boats etc. or models thereof (byelaw 5(xxiii)), operating radios or other sound apparatus so as to cause annoyance (byelaw 5(xxv)), wilfully breaking bottles (byelaw 5(xxvii)), discharging sewage or chemicals so as to constitute a nuisance (byelaw 5(xxix)), delivering a public speech or taking part in any public meeting or festival (byelaw 5(xxx)), driving a motor vehicle as a learner driver (byelaw 7(i)), or without an efficient silencer (byelaw 7(ii)), and parking a motor vehicle between sunset and sunrise except by the side of a highway for a reasonable period and for reasonable cause (byelaw 7(iii)).

Byelaws 8 to 12 contain provisions applying only to particular areas. Byelaw 10 increases the speed limit for vehicles on Commission lands in the New Forest from 15 to 20 miles per hour and byelaw 12(ii) imposes a new requirement that sheep turned out to graze in unenclosed areas of the Forest of Dean are marked with the owner's registration mark.

Section 46(5) of the Forestry Act 1967 (as amended by the Criminal Justice Act 1967 (c.80)) provides that anyone guilty of an offence against the byelaws is liable on summary conviction to a fine not exceeding £20 and to a further fine not exceeding 50p for each day upon which the offence continues.

These byelaws are without prejudice to any byelaws made by the Verderers of the New Forest or the Forest of Dean (Forestry Act 1967, section 47) and to the powers and duties of the Verderers.

Nothing in these byelaws makes unlawful anything done with the written authority of the Forestry Commissioners.

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