



Statutory Document No. 164/05

THE WILDLIFE ACT 1990

**THE AYRES NATIONAL NATURE RESERVE  
(DEPARTMENT LAND) BYELAWS 2005**

*Coming into operation 22nd April 2005*

In exercise of the powers conferred on the Department of Agriculture, Fisheries and Forestry by section 31(3) of the Wildlife Act 1990<sup>1</sup>, and of all other enabling powers, and after consultation with the occupiers of the land to which these Byelaws relate, and with the concurrence of Treasury, the following Byelaws are hereby made:-

**1. Citation, commencement, interpretation and application**

(1) These Byelaws may be cited as the Ayres National Nature Reserve (Department Land) Byelaws 2005 and shall come into operation on the 22nd April 2005.

(2) These Byelaws apply to the land vested in the Department within the Ayres National Nature Reserve, in the Parishes of Bride and Andreas.

**2. Interpretation**

In these Byelaws –

“the Act” means the Wildlife Act 1990;

“authorised person” means a person authorised in writing by the Department to exercise powers under these Byelaws;

“the Department” means the Department of Agriculture, Fisheries and Forestry;

“land” means the land vested in the Department within the Ayres National Nature Reserve, shown edged with a thick black line on the map in the Schedule to these Byelaws and includes any part of that land;

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<sup>1</sup> 1990 c.2

“vehicle” means any mechanically propelled vehicle and includes motorcycles.

### **3. Access and use of vehicles**

(1) The Department may, by affixing a notice on the land, prohibit access to any land by persons, vehicles or animals and at such times and subject to such conditions, if any, as may be specified in that notice.

(2) Subject to paragraph (4), no person shall –

- (a) have, or cause any other person;
- (b) cause or permit any vehicle; or
- (c) cause, permit or allow any animal,

to have access to any land to which access is prohibited, contrary to paragraph (1).

(3) Subject to paragraph (4) and byelaw 14, no person shall use a vehicle on the land other than on the highway other than for access for parking south of the road to Rue Point.

(4) Paragraph –

- (a) (2) and (3) shall not apply in the case of a person using any vehicle of any emergency or rescue service on the land; and
- (b) (3) shall not apply in the case of a person using on the land –
  - (i) any invalid carriage; or
  - (ii) any bicycle,

provided that nothing in this byelaw shall authorise any person using any invalid carriage or any bicycle to have access to any land to which access is prohibited, contrary to paragraph (1).

### **4. Damage to property on the land**

No person shall, on the land, wilfully, recklessly or negligently remove, displace, deface, damage or destroy any notice board, notice exhibited by the Department, or any apparatus, wall, boundary, bank, fence, furniture, building, barrier, railing, post or hide.

**5. Tipping**

No person shall deposit, or cause or allow to be deposited, any paper, bottles, glass, rubbish or waste on the land other than in a receptacle provided for the purpose.

**6. Fires**

(1) Subject to paragraph (2), no person shall, on the land, wilfully, recklessly or negligently light a fire, put fuel on a fire, or otherwise keep a fire burning, or do anything likely to cause a fire.

(2) References in this byelaw to a fire do not include supervised fires on a site on the land specifically provided by the Department for such a purpose, or the combustion of fuel in a cooking appliance designed and used in such a way that it does not cause burning, scorching or damage by heat to the ground, surrounding area or any flora on the land.

**7. Camping**

(1) No person shall, otherwise than with the written authority of the Department, erect, occupy or otherwise use any tent, shed or other structure or any vehicle or towed vehicle for the purpose of camping or overnight occupation on the land.

(2) Any written authority granted by the Department under paragraph (1) shall be produced to an authorised person upon request and any failure to produce such authority shall constitute a breach of this byelaw.

**8. Dogs**

(1) No person shall bring onto, or permit to remain on, the land any dog unless it is kept under proper control and is prevented from worrying, disturbing or chasing any animal or bird, or causing a nuisance or annoyance to any person.

(2) When required by an authorised person or by a notice affixed on the land by the Department, dogs shall be kept on a lead.

(3) If a dog defecates at any time on the land, the person who is in charge of the dog at that time shall remove the faeces from the land forthwith.

**9. Wildlife and introductions**

No person shall wilfully, recklessly or negligently –

- (a) take, molest, disturb, injure or kill any living creature on the land; or
- (b) take, destroy or disturb the eggs, larvae, pupae or other immature stages of any living creature on the land; or
- (c) remove, displace, damage or destroy any tree, shrub, plant, fungus or part thereof on the land; or
- (d) permit any plant or other form of living vegetation, or any living creature to be brought on to and left upon the land.

**10. Noise**

No person shall operate or cause or suffer to be operated any sound-producing device on the land after having been required to desist by an authorised person or by a constable.

**11. Removals**

An authorised person may –

- (a) remove any structure for the time being erected on the land in contravention of these Byelaws; or
- (b) after due warning, require to leave the land any person who in his view commits any offence against these Byelaws.

**12. Capture of animals**

Without the written authority of the Department, no person shall have in his possession on the land any net, lamp, snare or lure or any other instrument capable of capturing or facilitating the capture of any animal, or spread or use any net, or set or use any lamp or other instrument, or any other snare or lure, which might facilitate the capture of any animal on the land.

**13. Arms and missiles**

No person shall carry or discharge on the land a firearm, catapult, bow and arrow, crossbow, airgun, airpistol, shotgun or any other weapon, or project any missile manually or by artificial means, on or over the land.

**14. Rights**

Nothing in or done under any of the provisions of these byelaws shall interfere with the exercise by any person of –

- (a) a right vested in him as the owner, lessee or occupier of any part of the land;
- (b) any public right of way on the land;
- (c) any functions of the Police or emergency services;
- (d) anything done on the land with the written authority of the Department.

**15. Obstruction of an officer**

No person shall wilfully obstruct –

- (a) any officer of the Department in the execution of any research or scientific work or any work connected with the laying out, maintenance or management of the land;
- (b) any authorised person on the land.

**16. Production of authority**

An authorised person shall, if required to do so, produce evidence of his authority under these Byelaws.

**17. Fines**

- (1) Any person –
  - (a) contravening these Byelaws; or
  - (b) without prejudice to paragraph (1)(a), failing to comply with a requirement of an authorised person under byelaw 8(2), 10 or 11(b),

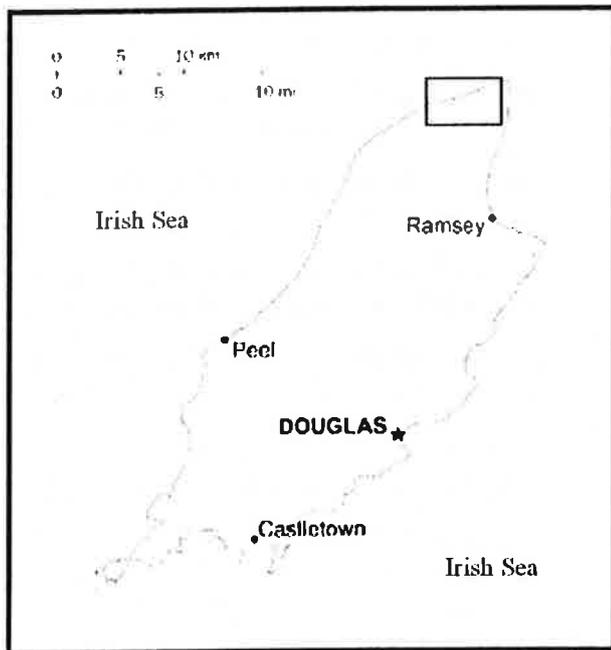
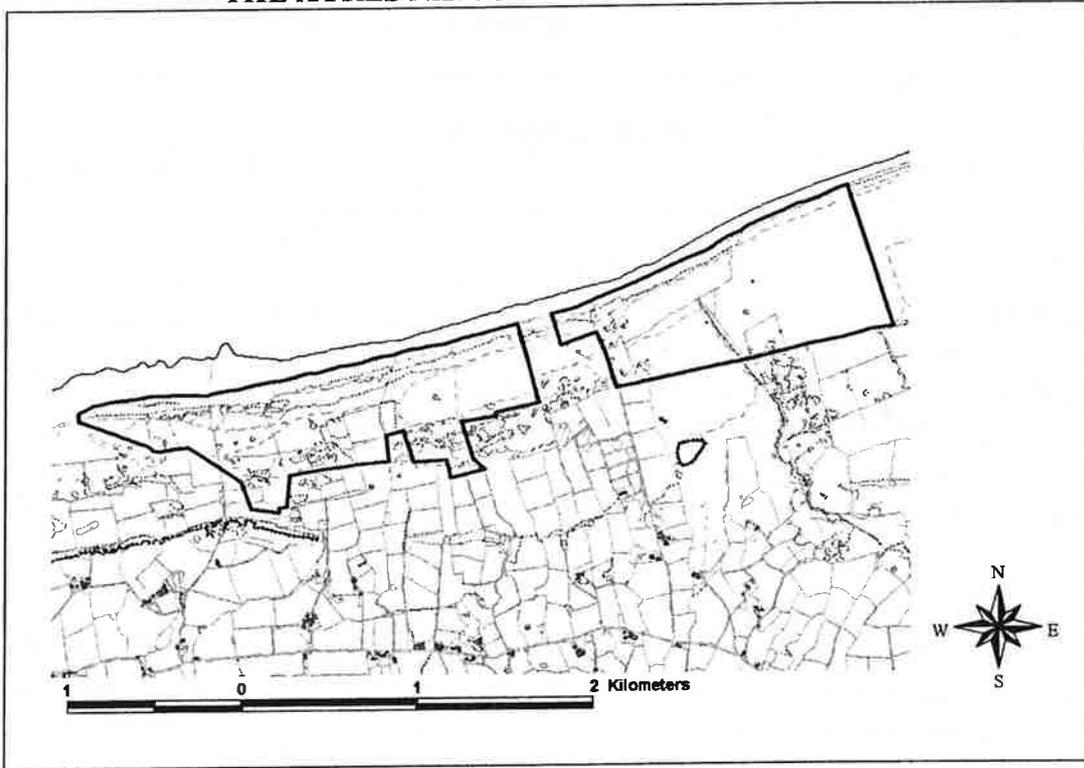
shall be guilty of an offence under section 31(8) of the Act.

(2) For the purpose of proceedings for any offence under byelaw 3(2) or (3) or byelaw 7, the person who, where appropriate, is registered as the keeper of a vehicle pursuant to regulations under the Licensing and Registration of Vehicles Act 1985<sup>1</sup> shall be deemed to be the person by whom it is used or occupied.

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<sup>1</sup> 1985 c.21

**LAND VESTED IN THE DEPARTMENT WITHIN  
THE AYRES NATIONAL NATURE RESERVE**



**EXPLANATORY NOTE**

*(This note is not part of the Byelaws)*

The Byelaws apply to land within the Ayres National Nature Reserve which is vested in the Department of Agriculture, Fisheries and Forestry. The relevant land is outlined in a map in the Schedule. The Byelaws deal with access to the land by persons, vehicles and animals, and what they are permitted to do or prohibited from doing on that land.

Control of access and other matters in respect of this land has hitherto come under the aegis of the Forestry (General) Byelaws 2003. The 2003 Byelaws no longer apply to this land, which is now made subject to the provisions of these Byelaws.

The Byelaws –

- (a) set conditions for access to the land by persons, vehicles and animals, subject to exceptional provisions in the case of emergency vehicles, invalid carriages and bicycles (byelaw 3);
- (b) prohibit damage to property on the land (byelaw 4);
- (c) prohibit tipping on the land (byelaw 5);
- (d) prohibit fires on the land, other than in specified circumstances in which no damage is caused to the ground, surrounding area or any flora (byelaw 6);
- (e) prohibit camping except as may be granted by written authority by the Department (byelaw 7);
- (f) make provisions in respect of dogs, including a requirement by an authorised person or by a notice placed on the land for them to be put on a lead (byelaw 8);
- (g) prohibit disturbance and damage to flora and fauna at any stage of their development, and the introduction of any species to the land (byelaw 9);
- (h) make provisions in respect of noise, including a requirement by an authorised person for any sound-producing device to be turned off (byelaw 10);
- (i) provide powers for an authorised person to remove any structure erected on the land in contravention of the Byelaws, and to require any person who has committed an offence against the Byelaws, after due warning, to leave the land (byelaw 11);
- (j) make provisions in respect of the possession or use of any equipment, the use of which may injure or capture or kill any animal on the land, other than with the written consent of the Department (byelaw 12);

- (k) prohibit possession or use of any firearms or missiles on the land, other than with the written authority of the Department (byelaw 13);
- (l) provide for certain persons having rights to do certain things on the land, such as the emergency services and those with written authority of the Department, to exercise those rights (byelaw 14);
- (m) provide for an offence of obstructing any officer of the Department who is carrying out research, scientific work or any work connected with laying out, managing or maintaining the land, or any authorised person (byelaw 15);
- (n) provide that authorised person shall, if required to do so, produce evidence of their authority under the Byelaws (byelaw 16);
- (o) provide that –
  - (i) any person contravening the Byelaws, including by failing to do something required by an authorised person, shall be guilty of an offence under section 31(8) of the Act; and
  - (ii) that the person who is the registered owner of a vehicle will be deemed to be the person by whom it is used or occupied if it is used in the commission of an offence under the Byelaws.

Under section 31(8) of the Act, a person found guilty of an offence at summary jurisdiction is liable to a fine of up to £2,500.

