

The Fife Council

Protection of the Eden Estuary Local Nature Reserve Byelaws 2018

THE FIFE COUNCIL

The Fife Council Byelaws for the Protection of the Eden Estuary Local Nature Reserve

The Fife Council (hereinafter referred to as "the Council") in exercise of the powers conferred upon them by sections 20, 21 and 106 of the National Parks and Access to the Countryside Act 1949 and sections 201, 202 and 203 of the Local Government (Scotland) Act 1973, and with reference to the Land Reform (Scotland) Act 2003, and of all other powers enabling them in that behalf, hereby make the following byelaws for the protection of the Reserve:-

Interpretation and Citation

1. (1) In these byelaws, unless the context otherwise requires -

"Council" means The Fife Council incorporated under section 2 of the Local Government etc. (Scotland) Act 1994.

"Reserve" means the areas on the River Eden, Eden Estuary and the Motray Water and Moonzie Burn, being the areas described in and declared to be a Nature Reserve within the meaning of section 15 of the National Parks and Access to the Countryside Act 1949, by a declaration by the former District Council of North East Fife dated 28 September, 1978 and delineated and shown outlined and shaded in red on the plan annexed to these byelaws.

"Vehicle" means any motorised vehicle (other than a vehicle which has been constructed or adapted for use by a person with a disability and which is being used by such a person).

"Wild camping" means lightweight camping, undertaken in small numbers and for only two or three nights in any one place as defined by the Scottish Outdoor Access Code.

- (2) These byelaws may be cited as "The Fife Council Protection of the Eden Estuary Local Nature Reserve Byelaws 2018".

Protective Measures

2. (1) No person shall in the Reserve, ride, drive, draw or wheel any vehicle.
- (2) No person shall park a vehicle in the Reserve.
- (3) Except so far as required in the interests of navigation in tidal waters or on public waterways, including the entry into the Reserve of sailing craft and other vessels from seaward, no person shall, in the Reserve, propel, moor or leave any boat elsewhere than on a waterway, mooring site, beach or other place indicated by a Notice as being available for that purpose. The exception hereby permitted shall not apply in relation to speed boats, water ski-ing or similar aquatic activities nor to organised events such as regattas, all of which activities shall only be allowed by Permit from the Council under byelaw 3 hereof.
- (4) No person shall deposit, except in receptacles as are provided for the purpose, or bury, any litter, paper, glass, tins or earthenware article (whole or broken), waste matter, disposable barbecues or rubbish of any description on the Reserve.
- (5) No person, without the prior approval of the Scottish Environmental Protection Agency, shall introduce or cause or permit to be introduced to any waters in the Reserve any excrement, rubbish, waste or scrap or any noxious or deleterious material or liquid of any kind, or otherwise foul or pollute such waters.
- (6) No person shall erect, occupy or use any shelter, tent, shed or other structure in the Reserve for the purpose of residing in the Reserve, except small tents for wild camping.

- (7) No person shall, in the Reserve, light a fire or do anything likely to cause a fire.
- (8) Subject to the provisions of the Wildlife and Countryside Act 1981 and The Conservation (Natural Habitats, &c) Regulations 1994, and except as provided in byelaw 3 hereof, and provided that nothing in this byelaw shall affect the right of any authorised person to take such steps as may be required of him by Scottish Ministers under section 39 of the Agriculture (Scotland) Act 1948, for the killing, taking or destruction in the Reserve of any birds or other animals to which the said section applies or the eggs of such birds; no person shall in the Reserve:-
- (a) take, molest or wilfully disturb, injure, or kill, any living creature of any description, or spread or use any net, or set or use any lamp, snare, or other engine, instrument or means for the taking, injury or killing of any living creature;
 - (b) shoot, or attempt to shoot, any bird of any description;
 - (c) wilfully disturb, displace, injure or destroy any bird's nest or any bird's eggs; or
 - (d) carry or discharge any firearm or other instrument designed to propel freely a missile within the Reserve;
- (9) No person shall, in the Reserve, wilfully cut, displace or damage any soil, turf, plant or other vegetation.
- (10) No person shall wilfully obstruct, disturb, interrupt or annoy any other person in the proper use of the Reserve or wilfully obstruct, disturb or interrupt any Constable or Officer of the Council in the proper discharge of his duties or any person employed by or acting under the authority of

the Council in the proper execution of any work connected with the improvement, maintenance or regulation of the Reserve.

Permits

3. (1) Subject to paragraph (2), the Council may issue Permits authorising the doing of anything in the Reserve, which would otherwise be unlawful under byelaws 2(1), (2), (3), (6), (7), (8) or (9) of these byelaws and any such Permit shall specify the acts that may be done by virtue thereof and shall be issued subject to the following conditions:-
- (a) that it shall be valid only during certain period as may be specified therein;
 - (b) that it shall be valid only in such parts of the Reserve as may be so specified;
 - (c) that it shall be valid only in respect of such person or persons as may be specified therein;
 - (d) that it shall be valid only for the purposes specified therein;
 - (e) that it must be carried whenever a visit is made to the Reserve and produced for inspection when requested by any person appointed by the Council; and
 - (f) any other conditions or regulations which the Council may from time-to-time impose.

- (2) The permits referred to in paragraph (1) shall not operate in respect of any activities to which the Wildlife and Countryside Act 1981 and The Conservation (Natural Habitats, &c) Regulations 1994 apply.

Savings

4. Nothing in these byelaws shall interfere with the exercise of any right vested in any owner, lessee or occupier of land, or any statutory undertaker within the Reserve.

Offence

5. Any person who contravenes or fails to comply with any of the above byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale, and in the case of a continuing offence, to a further fine not exceeding the sum of £5.00 for each day during which the offence had been continued after written notice of the offence from the Council.

Public Notice of Effect

6. (1) The Council shall erect one or more signs at access points to the Reserve for the purpose of giving notice of the effect of these byelaws.
- (2) It shall be no defence in proceedings against a person for an offence under these byelaws that the Council failed to comply with paragraph (1) of this byelaw.

(3) The Fife Council Protection of the Eden Estuary Byelaws 2008 are hereby revoked.

Dated the Eighteenth day of January 2018

A handwritten signature in cursive script, appearing to read "June Anne Barrie".

June Anne Barrie
Legal Services Manager and
a Proper Officer of The Fife Council

This is the plan referred to in the foregoing Protection of the Eden Estuary Byelaws 2018 dated 18 January 2018

..... Proper Officer of the Council

