

FINAL DEFRA-APPROVED MODEL SSSI BYELAWS

Note: footnotes addressed to staff and brackets [] and { } are drafting aides and should be removed from the final version.



Byelaws for the Protection of [insert name] Site of Special Scientific Interest

WHEREAS Natural England in exercise of the powers conferred upon it by section 28R of the Wildlife and Countryside Act 1981, sections 20 and 106 of the National Parks and Access to the Countryside Act, and section 236 of the Local Government Act 1972 hereby make the following Byelaws for the protection of the Site of Special Scientific Interest known as [*name*] in the Parish[es] or community Parish[es] of [*name*] in the County of [*name*].

1. In these Byelaws

- 1.1. “The Site” shall mean the pieces or parcels of land containing [] hectares or thereabouts and notified to the Secretary of State as being of special scientific interest pursuant to section 28 (1) of the Wildlife and Countryside Act 1981 on [*date of notification*] and confirmed on [*date of confirmation*]

and the Site is for the purposes of identification shown as nearly as may be on the map annexed to these byelaws and edged in red. [*Further text will be needed if the byelaws apply to part-only of the site or to adjoining areas*]

- 1.2. “Firearm” shall have the same meaning as in section 57 of the Firearms Act 1968.
- 1.3. “Animal” shall mean any mammal, bird, reptile, amphibian, fish or invertebrate.
- 1.4. “Plant” shall mean any tree, shrub, grass, fern, herb, horsetail, moss, liverwort, hornwort, lichen, fungus or algae, or part thereof
- 1.5. “Dog” shall exclude police dogs, search and rescue dogs, guide or assistance dogs and any dog that is working on the land with the consent of the person in control of the land
- 1.6. “Features of special scientific interest” shall mean the flora, fauna, or geological or physiographical features by reason of which the site is of special scientific interest
- 1.7. “Public right of way” shall mean any public footpath, public bridleway, restricted byway or byway open to all traffic which are present within the SSSI and recorded on the definitive map prepared and maintained by the local highways authority

2. Exemptions from these Byelaws

These Byelaws shall not operate so as to interfere with the exercise –

- a. By a person of –
 - i. a right vested in him/her as owner, lessee or occupier (including commoners and holders of sporting rights) of land in the Site,
 - ii. any easement or profit à prendre to which he is entitled,
 - iii. any Public right of way.
- b. Of any functions undertaken by a local authority, statutory undertaker or drainage authority (including those undertaken in cases of emergency).
- c. By any officer of the Police (including police community support officers), or member of the armed forces, fire brigade, search and rescue, coastguard or ambulance service of the performance of his or her duty.
- d. By a person of –
 - i. either a written consent to carry out or permit the operations specified in these Byelaws given by Natural England (or its predecessor bodies) in accordance with section 28E(3)(a) of the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), or a right acquired prior to 1 February 2001 [and remaining in effect] to carry out the operations specified by these Byelaws in the circumstances specified in subsections 28(5)(a) and 28(6)(c) of the Wildlife and Countryside Act 1981 (as originally enacted)¹.
 - ii. a written agreement as made with Natural England in accordance with section 16 of the National Parks and Access to the Countryside Act 1949, section 15 of the Countryside Act 1968 or section 7 of the Natural Environment and Rural Communities Act 2006 that permits the operations specified in these Byelaws
 - iii. a management scheme or a management notice as served by Natural England in accordance with section 28J and section 28K of the Wildlife and Countryside Act 1981 Act (as amended) that permits the operations specified in these Byelaws
 - iv. a written assent to carry out the operations specified in these Byelaws as given by Natural England in accordance with section 28H(3)(b) of the Wildlife and Countryside Act 1981 (as amended)
 - v. a written permission to carry out the operations specified in these Byelaws as given by either Natural England or another section 28G authority² in accordance with section 28I of the Wildlife and Countryside Act 1981 (as amended)

¹ Unless an agreement under subsection 28(6A) of that Act (as amended by the Wildlife and Countryside (Amendment) Act 1985) was in effect.

² As defined in [section 28G of the 1981 Wildlife and Countryside Act \(as amended\)](#).

3. The Byelaws

Within the Site **it is hereby prohibited for any person to carry out the acts listed below**, except insofar as they;

- (a) may be authorised by effect of Byelaw 2 above,
- (b) may be authorised by a permit issued by Natural England in accordance with Byelaw 5 below, or,
- (c) are necessary to the proper execution of his duty by an officer of Natural England or by any person, or servant of any person, employed or authorised by Natural England.

[NOTE TO NATURAL ENGLAND STAFF: Only select the most appropriate byelaw(s) from the byelaw menu 3.1 – 3.48 below to address the underlying problem/threats to the site(s) – delete all those that are not applicable. Consider specifying any seasonal or timing limitation to the selected byelaw e.g. 'angling during the period beginning 1 April and ending on 1 July each year']

Restriction of Access

- 3.1 Entering at any time those parts of the Site hatched [colour] on the attached map; or where notice to keep out has been posted by order of Natural England.
- 3.2 Entering any part of the Site during the period beginning on the [] day of [] and ending on the [] day of [] in any year.³

Damage to or disturbance of things in the Site

- 3.3 Spreading or using any net, or setting or using any lamp or other instrument, or any snare, rod, hook or lure, for the capture, taking, injury or destruction of any living Animal that is or is part of or supports a feature of special scientific interest [**specify features**]
- 3.4 Taking, or intentionally or recklessly disturbing, injuring or killing any living Animal that is or is part of or supports a feature of special scientific interest [**specify features**].
- 3.5 Taking or intentionally or recklessly disturbing or destroying the eggs, larvae, pupae or other immature stages, or the places used for their shelter, reproduction or protection, of any living Animal that is or is part of or supports a feature of special scientific interest [**specify features**]
- 3.6 Intentionally or recklessly removing, damaging, defacing or displacing any Plant, turf, water or mineral including peat, shingle, hard rock, sand, gravel, topsoil, subsoil, chalk, lime, limestone pavement, geological specimens (including fossils and minerals), shells and spoil that is or is part of, a feature of special scientific interest (**specify where possible**)
- 3.7 Climbing or ascending any tree or shrub or climbing or placing a ladder or steps against any tree or shrub that is or is part of or supports a feature of special scientific interest (**specify where possible**).
- 3.8 Digging for, or taking of, lugworm, ragworm or any other form of fishing bait [from

³NOTE TO STAFF it is also possible to insert a byelaw allowing access only at certain times of day or states of the tide.

within those parts of the Site hatched in [colour] on the attached map]

Bringing Animals or Plants into the Site

- 3.9 Bringing, or permitting to be brought, into the Site any living Animal, or the egg of any living Animal, or any Plant, or any seed or other part of any Plant, in such circumstances that it is likely that such Animal or Plant will reproduce or propagate itself, or such egg will hatch, or such seed will germinate.
- 3.10 Bringing into, or permitting to remain within, the Site any Dog⁴.
- 3.11 Permitting any Dog to disturb or worry any Animal that is or is part of or supports a feature of special scientific interest⁵
- 3.12 Allowing any Dog under your control to leave the width of any public right of way within the Site⁶.
- 3.13 Failing to remove from the Site any faeces deposited by any Dog under your control other than use of a receptacle within the site provided for the deposit of dog waste.⁷
- 3.14 Failing to keep a Dog either on a short lead (of no more than 2 metres in length) or under effective control when away from a public right of way⁸
- 3.15 Failing to put and then keep a Dog either on a short lead (of no more than 2 metres in length) or under effective control when away from a public right of way as and when directed to do so by either a notice exhibited by order of Natural England or a person duly authorized by Natural England
- 3.16 Bringing into, or permitting to remain within the Site any horse or pony, or riding any horse or pony within the Site [outside of the width of a public bridleway, restricted byway or byway open to all traffic⁹].
- 3.17 Bringing into, or permitting to remain within, the Site any animal (other than a Dog) unless that animal is kept under proper control and is prevented from worrying or disturbing any other Animal that is or is part of or supports a feature of special scientific interest
- 3.18 Turning out any animal to feed or graze and/or providing any such animal with any

⁴ NOTE TO STAFF If a Dog Control Order or a Public Space Protection Order that covers this activity is not already in force, this byelaw may be selected. Byelaws may also exclude dogs from the site, or part of it. Note that dogs may be brought onto any public right of way within a site and onto any CROW Access Land within the site unless prevented by a direction

⁵ NOTE TO STAFF If a Dog Control Order or Public Space Protection Order that covers this activity has been made by a local authority this should be the only dog-related byelaw necessary. The owner of a dog already commits an offence under the Dogs (Protection of Livestock) Act 1953 if that dog worries livestock on agricultural land.

⁶ NOTE TO STAFF Byelaws may not require dogs to be on leads whilst on public rights of way, but may restrict dogs to those rights of way, and also on Access Land from August to February inclusive, unless prevented by a direction

⁷ NOTE TO STAFF If a Dog Control Order or a Public Space Protection Order covering this activity has not been made, this byelaw may be selected.

⁸ 'Effective control' means that the owner has a short lead and uses it when needed, and that the dog is kept close enough at all times to be able to quickly respond to commands

⁹ NOTE TO STAFF delete this part if this byelaw relates to part of a site that is a 'section 193 Common'. Section 193 of the Law of Property Act 1925 covering 'rights of access for air and exercise' permits horse riding by the public anywhere on such a common, and not just on bridleways or byways crossing that common.

supplementary feed.

Areas of water

- 3.19 Committing any act which pollutes or is likely to cause pollution of any water.
- 3.20 Bathing, paddling or wading in any water, including by any Dog under your control.
- 3.21 Angling.
- 3.22 Water skiing, power-boating, use of personal watercraft or any other motorized water-based craft.
- 3.23 Sailing model boats.
- 3.24 Propelling (by any means whatever) any boat, canoe, kayak or other water-based craft on an area or stretch of water other than a public waterway.
- 3.25 Mooring or leaving or launching any boat, including those with a residential use, or other water-based craft (elsewhere than on a launching or mooring site), and/or the upgrading, maintenance or repair of such boats or craft whilst within a mooring.
- 3.26 Obstructing any flow of any drain or watercourse, artificial or natural.

Use of vehicles, etc.

- 3.27 Driving, riding, propelling or leaving any mechanically propelled vehicle or any other motorized land-based craft (including hovercraft) elsewhere than on a highway or on a road.
- 3.28 Pedal cycling (other than on bridleways, restricted byways and byways open to all traffic and/or surfaced routes)
- 3.29 Landing any aircraft (except in case of emergency).
- 3.30 Launching or landing (except in case of emergency) any hang glider, micro-light aircraft, hot-air balloon, paraglider, model aircraft, sky lantern, unmanned aerial vehicle ('drone') or similar airborne contrivance and/or operating them at a height or location that may disturb the features of special scientific interest [**specify features**]
- 3.31 Launching or operating any sail or wind-powered land-based craft (including kite-buggies, kite-surfboards, land yachts or similar)

Use of certain equipment

- 3.32 Using any camera or any apparatus for the transmission, reception, reproduction, or amplification of any sound, speech or images by electrical or mechanical means, in circumstances that may disturb the features of special scientific interest [**specify features**] or the places used for shelter, reproduction or protection by the features of special scientific interest [**specify features**]
- 3.33 Using any device designed or adapted for detecting or locating any metal or mineral in the Site.

Use of Firearms, etc.

- 3.34 Being in possession of a firearm (with ammunition suitable for use in that firearm) or discharging a firearm or lighting a firework.
- 3.35 Projecting any missile manually or by artificial means.

Shooting within land or sea adjoining the Site¹⁰

- 3.36 The shooting of any birds that are or form part of the features of special scientific interest [**specify features**] and birds of any description within such areas surrounding or adjoining the Site as is described in the annex to these byelaws.

Other Activities

- 3.37 Erecting, occupying or using any tent, shed, caravan or other structure for the purpose of shelter or camping elsewhere than in an area indicated by a notice as being available for shelter or camping.
- 3.38 Flying any kite.
- 3.39 Erecting any post, rail, fence, pole, booth, stand, building, memorial, plaque or other structure.
- 3.40 Neglecting to shut any gate¹¹ or to fasten it if means of doing so are provided (unless the gate is tied open and a notice indicates that the gate should be left open).
- 3.41 Posting or placing any notice or advertisement.
- 3.42 Selling or offering or exposing for sale, or letting for hire or offering or exposing for letting for hire, any commodity or article, or selling or offering for sale any service
- 3.43 Engaging in any event or activity which is causing or likely to cause damage or disturbance to the features of special scientific interest [**specify features**].
- 3.44 Holding any show, event, performance, public meeting, exhibition or sports or the playing of any organized games.
- 3.45 Roller or ice skating, skiing, tobogganing, or skate boarding.
- 3.46 Lighting or tending any fire, stove, barbecue, heater or other appliance capable of causing a fire, elsewhere than in an area indicated by a notice that this is permissible.

¹⁰ NOTE TO STAFF: this byelaw specifically covers the shooting of birds of any description within such areas surrounding or adjoining a SSSI (whether the area be of land or of sea) as appears to Natural England requisite for the protection of the SSSI (see [section 20\(2\)\(c\) of the National Parks and Access to the Countryside Act 1949](#))

¹¹ This only applies to pedestrian gates, bridle gates, kissing gates and dog gates that comply with British Standard BS5709 (see www.bsigroup.com)

- 3.47 Letting fall or throwing any lighted match or lighted substance in a manner likely to cause a fire.
- 3.48 Removing, defacing or displacing any notice board, notice exhibited by order of Natural England, apparatus, wall, boundary bank, fence, barrier, railing, post or hide.
- 3.49 Leaving items in a place other than a receptacle suitable for the deposit of litter or refuse or any other type of waste.

4. Interference with duly authorized officer

It is prohibited for any person to intentionally obstruct any officer of Natural England or any person, or the servant of a person, employed or authorised by Natural England in the execution of any works.

5. Permits *[include only if appropriate]*

Natural England may issue permits authorizing any person to do any act or class of acts within the Site or any part thereof which would otherwise be unlawful under these Byelaws.

Any such permit shall be issued subject to the following conditions:

- (i) that it must be carried whenever a visit is made to the Site, and produced for inspection when required by a person duly authorised by Natural England in that behalf; and
- (ii) that it may be revoked by Natural England at any time.

To request a permit from Natural England contact *[insert Area Team details]*.

6. Penalty

Any person who offends against any of these Byelaws shall be liable on summary conviction to a fine on level 2 on the Standard Scale and in the case of a continuing offence to a further fine for each day during which the offence continues after the said conviction.

7. Annex(es)

Map(s) showing the areas of land or sea covered by these Byelaws.

Explanatory Note

(This note is not part of the Byelaw)

Natural England has made these Byelaws to protect **[name]** Site of Special Scientific Interest ('SSSI') in accordance with its duty, under section 28G of the 1981 Wildlife and Countryside Act (as amended), to take reasonable steps, consistent with the proper exercise of its functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.

These Byelaws were **[approved/confirmed]** by the Secretary of State for Environment, Food and Rural Affairs on **[date]**.

These Byelaws protects **[name of special feature(s)]** of this SSSI by prohibiting any person (except persons or bodies exercising a legal right, statutory function or written permission) to carry out the **[activities]** on the SSSI [or on specified areas within or adjoining the SSSI].

The reason(s) for these Byelaws are: *[insert e.g. to avoid physical damage and/or disturbance to the dry heathland habitat and to the breeding woodlark population which are both features of special interest of the SSSI].*

The area(s) subject to these Byelaws is specified above and identified on the attached maps.

Find more information about this SSSI, including the reasons for its notification, at <https://designatedsites.naturalengland.org.uk/>.

If you have any queries with regard to this/these SSSI Byelaw(s) please contact **[insert contact details]**.