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STATUTORY INSTRUMENTS

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**2010 No. 490**

**The Conservation of Habitats and Species Regulations 2010**

**PART 2**

**CONSERVATION OF NATURAL HABITATS AND HABITATS OF SPECIES**

*Byelaws*

**Byelaws: supplementary provisions**

**31.**—(1) Relevant byelaws must not interfere with—

- (a) the exercise by any person of a right vested in that person as owner, lessee or occupier of land in the European site, or in any such surrounding or adjoining area as is mentioned in regulation 30(4);
- (b) the exercise of any public right of way;
- (c) the exercise of any functions of statutory undertakers;
- (d) the exercise of any functions of an internal drainage board<sup>(1)</sup> or the Commissioners appointed under the Tweed Fisheries Act 1969<sup>(2)</sup>; or
- (e) the provision of an electronic communications code network or the exercise of any right conferred by or in accordance with the electronic communications code on the provider of any such network.

(2) Sections 236 to 238 of the Local Government Act 1972<sup>(3)</sup> (procedure, etc., for byelaws; offences against byelaws; evidence of byelaws) apply to all relevant byelaws as if the appropriate nature conservation body were a local authority within the meaning of that Act.

(3) In relation to relevant byelaws, the confirming authority for the purposes of section 236<sup>(4)</sup> of the Local Government Act 1972 is the appropriate authority.

(4) The appropriate nature conservation body may take such steps as may be necessary for the purpose of enforcing byelaws made by them.

(5) In this regulation and in regulations 32 and 33, “relevant byelaws” means byelaws under section 20 of the 1949 Act as it applies by virtue of regulation 30.

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(1) See section 1 of the Land Drainage Act 1991 (c. 59).

(2) 1969 c. xxiv.

(3) 1972 c. 70; section 236 was amended by the Civil Aviation Act 1982 (c. 16), paragraph 11 of Schedule 15; the Local Government Act 1985 (c. 51), paragraph 31(1) of Schedule 14; the Water Act 1989 (c. 15), Part 1 of Schedule 27; the Local Government (Wales) Act 1994 (c. 19), paragraph 50 of Schedule 15; the Greater London Authority Act 1999 (c. 29), sections 76 and 166; S.I. 2001/3719; the Local Government and Public Involvement in Health Act 2007 (c. 28), section 129(1) and (2); and the Local Democracy, Economic Development and Construction Act 2009 (c. 20) (“the 2009 Act”), paragraphs 10 and 34 of Schedule 6. Section 238 was amended by S.I. 2001/3719 and the 2009 Act, paragraphs 10 and 36 of Schedule 6.

(4) See definition of “the confirming authority” in subsection (11).