



2010 CHAPTER 10

PART 4

MISCELLANEOUS AND SUPPLEMENTARY

Right of access to, and byelaws for, forestry land

Public right of access to, and byelaws for, forestry land

31.—(1) Subject as follows, the public shall have right of access on foot to all forestry land for the purposes of recreation.

(2) That right of access does not extend—

- (a) to any building or structure on forestry land; or
- (b) to any facility on forestry land in respect of which a charge is payable under section 3.

(3) That right of access is subject—

- (a) to byelaws under subsection (4); and
- (b) in the case of land held by the Department under a lease, to the terms of the lease.

(4) The Department may make byelaws—

- (a) making such provision as may appear to the Department to be necessary for the preservation of trees or timber on forestry land;
- (b) prohibiting or regulating any act or thing likely to injure or disfigure forestry land or the amenities of, or facilities provided on, that land;
- (c) providing for the reasonable use of forestry land by the public for the purposes of recreation;

(d) excluding or restricting the right of access conferred by subsection (1) in circumstances or for purposes specified in the byelaws and subject to such conditions (if any) as may be so specified.

(5) An authorised person may exercise such powers and perform such duties as the Department considers necessary for the enforcement of byelaws made under subsection (4).

(6) In particular an authorised person may remove or exclude from any forestry land a person who commits or whom the authorised person reasonably suspects of committing an offence.

(7) Where byelaws under subsection (4) declare a contravention of any provision of the byelaws to be an offence, a person contravening that provision commits an offence and is liable on summary conviction—

- (a) to a fine not exceeding level 3 on the standard scale; and
- (b) in the case of a continuing offence, to a further fine not exceeding one-tenth of level 3 on the standard scale in respect of each day during which the offence is continued after conviction.