

Statutory Document No. 2005/0164

*Wildlife Act 1990*

AYRES NATIONAL NATURE RESERVE (DEPARTMENT LAND) BYELAWS 2005¹

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 1990¹, and of all other enabling powers, and after consultation with 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;

“**fire brigade**” has the same meaning as in the Fire Services Act 1984;²

“**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;

“**motorhome**” means any vehicle or structure designed or adapted for human habitation which is capable of being moved from one place to another whether by being towed, or by being transported on a motor vehicle or trailer, and any motor vehicle so designed or adapted;³

¹ 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) person must not —
 - (a) do anything that would cause or tend to cause a fire on the land;

- (b) do anything, or fail to do anything, that would maintain or tend to maintain a fire on the land;
 - (c) fill or discharge from any container, any flammable fuel or liquid anywhere on the land.
- (2) Despite paragraph (1), a person may light or sustain a fire where that fire is contained within a motorhome.
- (3) Where a person discovers a fire on the land, that person must take all steps as are reasonable in the circumstances to –
- (a) immediately extinguish the fire, or cause it to be extinguished, if it is safe for the person to do so without causing harm to the person or another person; or
 - (b) immediately notify the fire brigade of the location of the fire.⁴

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 not exceeding 3 metres in length.⁵
- (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 animals 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 1985² shall be deemed to be the person by whom it is used or occupied.

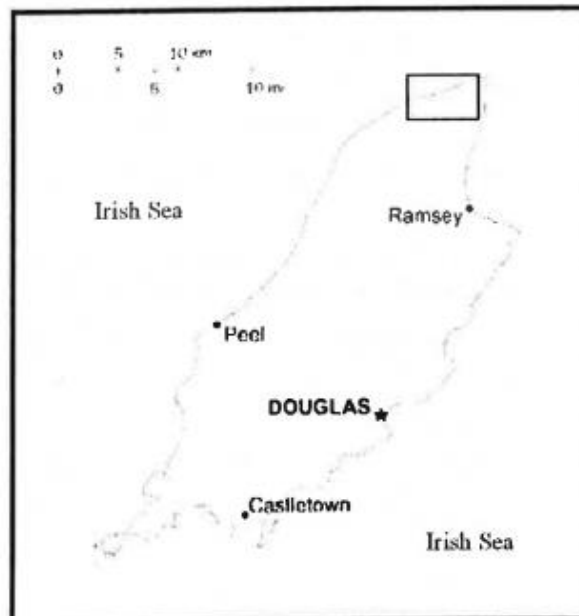
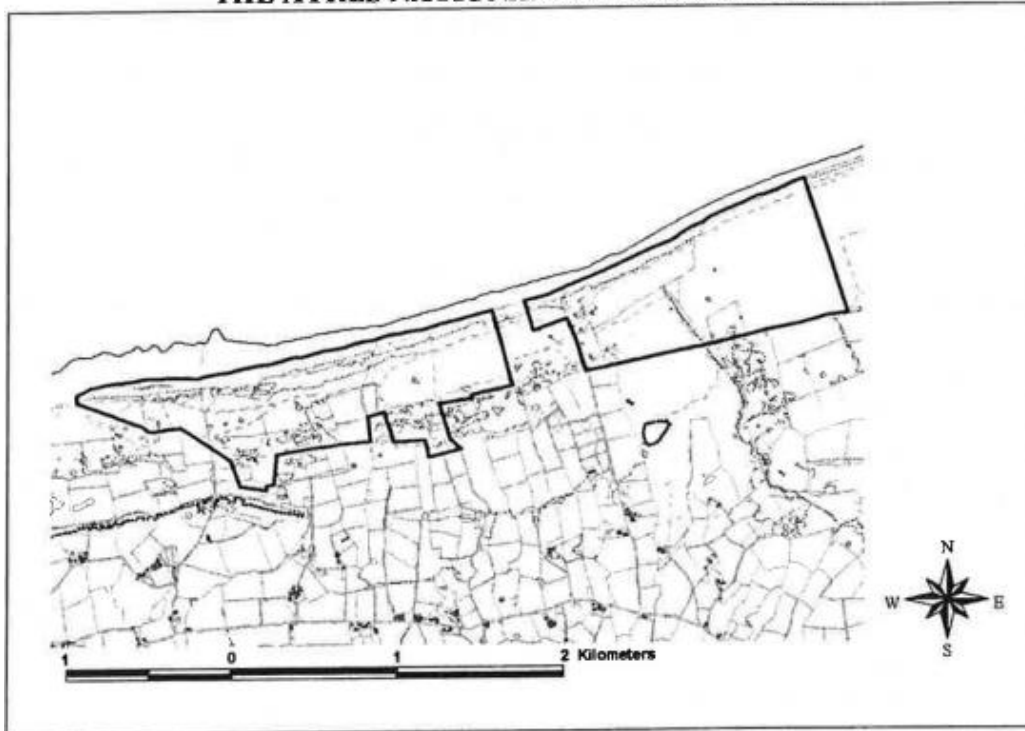
MADE 14 MARCH 2005

² 1985 c.21

SCHEDULE

Article 2

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



ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.

² Definition of “fire brigade” inserted by SD2023/0069.

³ Definition of “motorhome” inserted by SD2023/0069.

⁴ Byelaw 6 substituted by SD2023/0069.

⁵ Para (2) amended by SD2023/0069.