



COLNEY HEATH PARISH COUNCIL

Highfield Park Office
Highfield Park Visitor Centre
Hill End Lane, St Albans
Hertfordshire AL4 0RA

Colney Heath Village Office
83 High Street
Colney Heath
Hertfordshire AL4 0NS

Tel: 01727 825314 Email: clerk@colneyheathparishcouncil.gov.uk

COLNEY HEATH NATURE RESERVE BYLAWS

Colney Heath Parish Council in exercise of the powers conferred upon them by sections 20¹, 21(4)² and 106³ of the National Parks and Access to the Countryside Act 1949 in accordance with section 236 of the Local Government Act 1972 hereby make the following byelaws for the protection of the Nature Reserve at Colney Heath Common. In the Parish of Colney Heath, in the County of Hertfordshire.

1. In these byelaws

- a) "The Reserve" shall mean the pieces or parcels of land containing in the whole 70.77 acres or thereabouts and situated in the Parish of Colney Heath, in the County of Hertfordshire. Declared to be managed as a Nature Reserve by the declaration dated the 7th day of January 1997 made by Natural England in pursuance of section 21 of the National Parks and Access to the Countryside Act 1949, and the Reserve is for the purposes of identification shown as nearly as may be on the map annexed to these byelaws and therein edged red.
- b) "The Council" shall mean Colney Heath Parish Council.
- c) "Firearm" shall have the same meaning as in section 57 of the Firearms Act 1968.

2. Within the Reserve the following acts are hereby prohibited except insofar as they may be authorised by a permit issued by the Council in accordance with Byelaw 5, or are necessary to the proper execution of his duty by an officer of the Council or by any person, or servant of any person, employed or authorised by the Council.

a) Damage to or disturbance of things in the Reserve

1. Spreading or using any net, or setting or using any lamp or other instrument, or any snare or lure, for the taking, injury or destruction of any living creature.
2. Taking, molesting or intentionally disturbing, injuring or killing any living creature.
3. Taking or intentionally disturbing or destroying the eggs, larvae, pupae or other immature stages, or the place used for shelter or protection of any living creature.

¹ Amended by Natural Environment and Rural Communities (NERC) Act 2006, Telecommunications Act 1984, Water Act 1988, and Communications Act 2003.

² Amended by the (NERC) Act 2006

³ amended by the (NERC) Act 2006 and the Environmental protection Act 1990



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4. Intentionally removing or displacing any tree, shrub, plant, fungus or part thereof, or any unfashioned mineral thing including water.
5. Climbing or ascending any tree or climbing or placing a ladder or steps against any tree.

b) Bringing Animals into the Reserve

1. Intentionally bringing, or permitting to be brought, into the Reserve any living creature, or the egg of any living creature, or any plant, or any seed or other part of any plant, in such circumstances that it is likely that such creature or plant will reproduce or propagate itself, or such egg will hatch, or such seed will germinate.
2. Bringing into, or permitting to remain within, the Reserve any animal other than a dog, unless it is kept under proper control and is prevented from worrying or disturbing any animal or bird.
3. Permitting a dog to disturb or worry any animal or bird.
4. Turning out any animal or poultry to feed or graze.

c) Areas of Water

1. Committing any act which pollutes or is likely to cause pollution of any water.
2. Bathing or wading in any water in contravention of a notice exhibited beside that water by order of the Council.
3. Water skiing, or ice skating.
4. Sailing model boats.
5. Propelling (by any means whatever) any boat on an area or stretch of water other than a public waterway in contravention of a notice exhibited beside that water by the Council.
6. Mooring or leaving or launching any boat elsewhere than on a beach or mooring site indicated by a notice exhibited by the Council as being available for this purpose.
7. Obstructing any flow of any drain or watercourse.

d) Use of Vehicles

1. Driving, riding, propelling or leaving any mechanically propelled vehicle (including hovercraft) elsewhere than on a highway or on a road, or in a place indicated by a notice as being available for the purpose.



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2. Landing any aircraft except in case of emergency.
3. Launching or landing a hang glider except in an emergency.
4. Operating any hang glider at such height that persons on the ground or in buildings may be inconvenienced or annoyed.

e) Use of Certain Equipment

1. Using any camera or any apparatus for the transmission, reception, reproduction, or amplification of any sound, speech or images by electrical or mechanical means, except apparatus designed and used as an aid to defective hearing and apparatus used in a vehicle so as not to produce sound audible by a person outside the vehicle.
2. Using any device designed or adapted for detecting or locating any metal or mineral in the Reserve.

f) Use of Firearms etc.

1. Being in possession of a firearm (with ammunition suitable for use in that firearm) otherwise than on a public paved road or discharging a firearm or lighting a firework.
2. Projecting any missile manually or by artificial means.

g) General Prohibitions

1. Erecting, occupying or using any tent, shed, caravan or other structure for the purpose of camping elsewhere than in an area indicated by a notice as being available for camping.
2. Flying any kite or model aircraft.
3. Erecting any post, rail, fence, pole, booth, stand, building or other structure.
4. Neglecting to shut any gate or to fasten it if any means of doing so are provided.
5. Posting or placing any notice or advertisement.
6. 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.

- a) Engaging in any activity which is causing or likely to cause a disturbance



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b) Holding any show, performance, public meeting, exhibition or sports or the playing of any organised games.

7. Roller skating, skiing, tobogganing, or skate boarding.
8. Lighting any fire, stove, heater or other appliance capable of causing a fire, elsewhere than in an area indicated by a notice as being available for camping.
9. Letting fall or throwing any lighted match or lighted substance in a manner likely to cause a fire.
10. Intentionally leaving items in a place other than a receptacle provided by the Council for deposit of litter or refuse.

3. SHOOTING (*see notes)

The shooting of any bird is prohibited in such area adjoining the Reserve as is described in the schedule to these byelaws*.

4. INTERFERENCE WITH DULY AUTHORISED OFFICER

Intentionally obstructing any officer of the Council or any person, or the servant of a person, employed or authorised by the Council in the execution of any works including research or scientific work connected with the laying out, maintenance or management of the Reserve.

5. PERMITS

The Council may issue permits authorising any person to do any act or class of acts within the Reserve or any part thereof which would otherwise be unlawful under these byelaws.

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

- a) That it must be carried whenever a visit is made to the Reserve, and produced for inspection when required by a person duly authorised by the Council in that behalf; and
- b) that it may be revoked by the Council at any time.

6. BYELAWS

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

- 1) by a person of –
 - a) a right vested in him/her as owner, lessee or occupier of land in the reserve,
 - b) any easement or profit a prendre to which he is entitled,
 - c) any public right of way.



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- 2) Of any functions of a local authority, statutory undertaker or drainage authority.
- 3) By a constable or a member of the armed forces or of any fire brigade or ambulance service of the performance of his duty.

7. 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. (see Appendix for scale of charges).

Notes. The Secretary of State requires evidence of particular need for byelaws marked *



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APPENDIX

Link to full guidance document: [Government Guidance on Public Space Protection Orders](#)

Fixed Notice Penalties

Under Section 68 of the Anti-social Behaviour, Crime and Policing Act 2014, the Fixed Notice Penalty amount must not be more than **£100**. It may specify two amounts and specify that if the lower of those amounts is paid within a specified period (of less than 14 days), that is the amount of the fixed penalty.

If there is a breach the maximum Fixed Penalty Notice is £100 and if prosecuted the maximum fine is £1,000 (Level 3)

In the Magistrates' Court the maximum fine levels are:

- Level 1 Offence – £200
- Level 2 Offence – £500
- Level 3 Offence – £1,000
- Level 4 Offence – £2,500
- Level 5 Offence – unlimited. (Until 12 March 2015 the maximum fine in the Magistrates' Court was £5,000.)

COLNEY HEATH PARISH COUNCIL

CLERK TO THE COUNCIL

DATE 28 October 2020

These byelaws were approved in the Full Council meeting 22 October at item 20/21-67.