

## Enforcement of the byelaws against Campervans – correction and update

### Description

I'd like to apologise to readers for reporting that all four cases the Loch Lomond and Trossachs National Park Authority reported to the Procurator Fiscal last year involved campervans. The LLTNPA is now claiming that none of the cases involve campervans and, if that is the case, it has implications both for my post yesterday ([see here](#)) and a previous post on the legal issues associated with the byelaws ([see here](#)).

Part of the error is my fault. On 16th November I received a response to a Freedom of Information request about the operation of the camping byelaws in 2018 ([see here](#)). I did not analyse the contents till a month later and when I did failed to appreciate that the LLTNPA had issued a "Clarification" letter on 29th November ([see here](#)). My mistake and my apologies for that.

That clarification wasn't actually a clarification at all but a correction of mistakes in the original response. Instead of all four referrals made by the LLTNPA to the PF being made under byelaw 7 (campervans), the LLTNPA reported that in two of the lines the reference should have been to byelaw 6 (which concerns tents):

The second two lines of the above table were incorrect should have read byelaw 6a. See corrected table below

Reports to Crown Office for contraventions of the	
Number of people reported	Byelaw
1	Camping Management Environmental Protection

2	Camping Management Byelaws 2017 S6a and S13
1	Camping Management Byelaws 2017 S6a, S13 and S14

The revised table still contained one reference to S7 on campervans

The clarification also stated that since my original FOI request two further cases involving three people had been referred to the PF . One involved camping and the other a refusal by two people to provide their personal details to Park Rangers. So, I should have reported that according to the LLTNPA they had referred five cases involving 7 people to the PF, one of which concerned campervans.

That would have still raised questions about why the LLTNPA was continuing to try and enforce the byelaws against campervanners but altered the focus of my posts which wrongly stated ALL referrals to the PF involved campervans.

Unfortunately, I am not the only person to have failed to correct this error. This afternoon the original, uncorrected, FOI response was still on the the LLTNPA's website ([see here](#)) under "November – 2018 Camping Booking data". What's worse Park staff appear to have based the Board's Update Report for Scottish Ministers on the faulty data:

#### 5.14 Byelaws and the Environmental Protection Act Enforcement

- *When required, enforcement of the byelaws was carried out by Rangers or Police Scotland officers. The following figures summarises these actions:  
As part of standard practice for byelaw management 931 individuals' details were taken and advice given in relation to alleged contraventions of Camping Management Byelaws 2017.*
- *From this total 12 byelaw cases were reported to the Crown Office, **four** by National Park Rangers and eight by Police Scotland. Byelaws that were contravened included Unauthorised Camping – Byelaw 6 and 7, Fire-lighting – Byelaw 8a, Provision of details – Byelaws 9, Removal from a Management Zone – Byelaw 13 and Penalties and Offences – Obstruction Byelaw 14.*

While the report to Ministers under-stated the number of cases referred to the PF, it still stated that enforcement action was being taken against campervanners (reference to byelaw 7). While the Report to Ministers does not give a breakdown of what the 931 recorded contraventions of bye laws involved, EIR 2018-031 does indicate that 6 of these cases involved campervanners. The questions of why and how the Park is still trying to enforce the byelaws against campervanners, as discussed in my posts, therefore remain valid.

All of this came to light because, yesterday afternoon, after my post on the campervanner questionnaire had appeared, the LLTNPA responded to a further information request in which I had asked for the locations of the campervanners reported to the PF. The LLTNPA response ([see here](#)) states that they cannot provide the information because they don't have any. It helpfully pointed me to the clarification letter which I had failed to consider. The only problem? The clarification letter makes it clear that ONE case to the PF did involve a campervanner (see above). So, either that letter too was wrong, or

the Park must hold some information! The search for the truth these days is never simple!

## **What are the implications of th enforcement data?**

First, campervanners should not be so worried about where it is “safe” to stop as my posts suggested. There is still some risk, as the Park appears to be taking names in some cases, but it appears low. As long as you stop off on something that looks like part of the road system (verges, pull offs and all) you should be ok. That of course highlights once again the unfairness of the byelaws: its ok to pull off the road in a vehicle and sleep overnight but not to get out of that vehicle and sleep in a tent.

Second, that campers who are ignorant of or ignore the byelaws have a slightly higher risk of being referred to the PF than I suggested.

My apologies again to readers for these mistakes and I will correct my original posts.

### **Category**

1. Loch Lomond and Trossachs

### **Tags**

1. camping
2. Camping bye laws
3. Freedom of Information
4. LLTNPA
5. Minister Environment

### **Date Created**

March 29, 2019

### **Author**

nickkempe

default watermark