**Changes to byelaws sent to Minister and now appearing in 2017 byelaws**

Citation and application

1. **Change** (2) These byelaws shall apply between the dates of 1 March and 30 September in each calendar year

(both dates inclusive) to the following areas within the Loch Lomond & The Trossachs National

Park (“the Park”) (any such areas hereinafter referred to as “Management Zones”):

(a) the area delineated in orange on plan 1 annexed hereto;

(b) the area delineated in pink on plan 2 annexed hereto;

(c) the area delineated in purple on plan 3 annexed hereto

(d) the area delineated in green on plan 4 annexed hereto;

Definitions

2) **New** **insertion** “damage” means any damage to or adverse effect on any property;

3) **Change of wording** (d) “public road” means: (i) a road or any part thereof which a **roads authority** has a duty to

maintain; (ii) a layby bounded partly by the outer edge of any such road; or (iii) any public

car park provided by or on behalf of a **roads authority**;

changed to (f) “road” means a road for the purposes of the Roads (Scotland) Act 1984;

4) **Deletion** (e) “roads authority” means a council in terms of section 2 of the Local Government etc.

(Scotland) Act 1994 or the Scottish Ministers;

5**) New** **insertion** (e) “property” includes land;

6) **New insertion** (h) “spouse” includes civil partner or cohabitee, whether of a different or the same sex

7) **Deletion** “Any references in these byelaws to any gender shall be deemed to include a reference to all

genders. Any words following the terms “including” and “include” or any similar expression shall be

construed as illustrative and shall not limit the sense of the words, description, definition, phrase

or term preceding those terms. Any reference in these byelaws to the singular shall be deemed

to include the plural and vice versa. A reference to a statute, statutory provision or subordinated

legislation is a reference to it as it is in force for the time being taking account of any amendment,

extension, application or re-enactment and includes any subordinate legislation for the time

being in force made under it and any former statute or statutory provision which it amends or reenacts.”

Clauses

8) **Change of wording** (6) No person shall:

(a) set up, use or occupy a tent, wigwam or bivouac; or

(b) set up, use or occupy **overnight** a form of shelter (other than an umbrella)

within a **Management Zone** unless they have been authorised to do so by the Authority under

byelaw 12.

Changed to:

(6) It shall be an offence for a person to:

(a) set up, use or occupy a tent, wigwam or bivouac at any time; or

(b) set up, use or occupy overnight any other form of shelter (other than an umbrella)

within a **Management Zone** unless they have been authorised to do so by **the Authority**

under byelaw 11

9) **Change of wording** (7) No person shall sleep overnight in a stationary vehicle within a Management Zone unless:

(a) they have been authorised to do so by the Authority under byelaw 12; or

(b) the **vehicle** is on a **public road** and such activity is not prohibited by the relevant **roads**

**authority**.

Changed to

(7) It shall be an offence for any person to sleep overnight in a stationary vehicle within a

Management Zone unless:

(a) they have been authorised to do so by **the Authority** under byelaw 11; or

(b) the vehicle is on a road.

10) **Deletion** (8) A new offence under byelaw 6 or byelaw 7 is deemed to have been committed for each period of 24 hours during which any activity listed in byelaw 6 or byelaw 7 takes place in a Management

Zone, or any person or vehicle remains in, or returns to, a Management Zone in contravention of

byelaw 6 or byelaw 7.

**Further notes on definition damage**

SNH response to Your Park consultation

Yes. We are content that if the case for byelaws can be made, this proposed wording is generally framed appropriately, although further work is required by the Park and their legal advisors on some of the proposed definitions. Clear definitions are ímperative if the byelaws are to be understandable to the public (and enforcement staff). For example, the proposed definition of 'nuisance' looks to be open to widely varying interpretations that may render it unworkable in practice. Also, the proposed definition of 'damage' appears unreasonably and disproportionately broad in its scope. The byelaws must be reasonable, proportionate and clear (the actions that are an offence) if they are to command support from the publíc.

Definition of damage that appeared in Your Park consultation and then removed

(5) In these byelaws, the following words, phrases and expressions are printed in bold wherever they

appear and they have the interpretation and meaning hereby assigned to them, respectively:

(a) “damage” means any damage within a Management Zone, including: death, injury or

disturbance to or the taking of any wildlife; or any damage or adverse effect whatsoever

to any property;

(b) “nuisance” means any unreasonable act or omission which causes or is likely to cause

annoyance, disturbance or damage;

**Extracts from Board paper which approved byelaws**

These demonstrate the Board had decided the wording of damage needed to be specific and that every minor change was approved by the Board





