
STATUTORY INSTRUMENTS

1986 No. 143

COUNTRYSIDE

**Wildlife and Countryside (Byelaws for
Marine Nature Reserves) Regulations 1986**

<i>Made</i>	- - - -	<i>29th January 1986</i>
<i>Laid before Parliament</i>		<i>11th February 1986</i>
<i>Coming into Operation</i>		<i>5th March 1986</i>

The Secretary of State for the Environment as respects England and the Secretary of State for Wales as respects Wales, in exercise of the powers conferred on them by section 37(5) of the Wildlife and Countryside Act 1981 and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Wildlife and Countryside (Byelaws for Marine Nature Reserves) Regulations 1986 and shall come into operation on 5th March 1986.

(2) In these regulations—

“the 1972 Act” means the Local Government Act 1972; and

“the 1981 Act” means the Wildlife and Countryside Act 1981.

Modifications in respect of byelaws not authorised by an order under section 36 of the 1981 Act

2.—(1) Sections 236 to 238 of the 1972 Act, in their application to byelaws made by the Nature Conservancy Council under section 37 of the 1981 Act (other than byelaws authorised by an order made by the Secretary of State under section 36 of that Act) shall have effect subject to the modifications prescribed in this regulation.

(2) The modifications are as follows—

(a) In section 236 of the 1972 Act,—

(i) for subsection (5) there shall be substituted the following subsections—

“(5) At least one month before a copy of any byelaws or other document is to be deposited in accordance with the requirements of subsection (5A)(a) or (b) below, the Nature Conservancy Council shall apply in writing to the Secretary of State for a notification of any other places or offices at which a copy of the byelaws and any

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other document referred to in those byelaws is to be deposited in accordance with subsection (5A)(c) below.

(5A) For at least one month before application for confirmation is made, a copy of the byelaws together with a copy of any document referred to in those byelaws shall be deposited at—

- (a) the offices of the Nature Conservancy Council,
- (b) the offices of each county council, district council and London borough council comprising the whole or any part of the area to which the byelaws apply, and
- (c) such other places or offices as are notified by the Secretary of State to the Nature Conservancy Council in accordance with subsection (5) above;

and the copies so deposited shall at all reasonable hours be open to public inspection without payment.”;

(ii) for subsections (9) and (10) there shall be substituted the following subsection—

“(9) The Nature Conservancy Council shall send a copy of every byelaw made by them and confirmed,—

- (a) to the proper officer of the council of each county, district and London borough comprising the whole or any part of the area to which the byelaws apply,
- (b) to the proper officer of the council (whether separate or common) of every parish or community comprising the whole or any part of the area to which the byelaws apply or, in the case of a parish not having a council, to the chairman of the parish meeting, and the proper officer of the parish or community council or chairman of the parish meeting, as the case may be, shall cause a copy to be deposited with the public documents of the parish or community, and a copy so deposited shall at all reasonable hours be open to public inspection without payment, and
- (c) to such other persons or places as the Secretary of State may in any particular case notify in writing to the Nature Conservancy Council.”.

(b) In section 237 of the 1972 Act⁽¹⁾ for “level 2 on the standard scale” there shall be substituted “£1000”.

Modifications in respect of byelaws authorised by an order under section 36 of the 1981 Act

3.—(1) Where the Nature Conservancy Council are authorised by an order made by the Secretary of State under section 36 of the 1981 Act to make byelaws under section 37 of that Act, sections 236 to 238 of the 1972 Act in their application to such byelaws shall have effect subject to the modifications prescribed in this regulation.

(2) The modifications are as follows—

(a) In section 236 of the 1972 Act,—

(i) for subsection (3) there shall be substituted the following subsection—

“(3) The byelaws shall be made under the common seal of the Nature Conservancy Council.”;

(ii) subsections (4), (5), (6), (7) and (11) shall be omitted;

⁽¹⁾ Section 237 was amended by sections 38 and 46 of the Criminal Justice Act 1982 (c. 48).

- (iii) in subsection (8), for the words “when confirmed” there shall be substituted the words “when made”; and
- (iv) for subsections (9) and (10) there shall be substituted the following subsection—
 - “(9) The Nature Conservancy Council shall send a copy of every byelaw made by them,—
 - (a) to the proper officer of the council of each county, district and London borough comprising the whole or any part of the area to which the byelaws apply,
 - (b) to the proper officer of the council (whether separate or common) of every parish or community comprising the whole or any part of the area to which the byelaws apply or, in the case of a parish not having a council, to the chairman of the parish meeting, and the proper officer of the parish or community council or chairman of the parish meeting, as the case may be, shall cause a copy to be deposited with the public documents of the parish or community, and a copy so deposited shall at all reasonable hours be open to public inspection without payment, and
 - (c) to such other persons or places as the Secretary of State may in any particular case notify in writing to the Nature Conservancy Council.”.
- (b) In section 237 of the 1972 Act, for “level 2 on the standard scale” there shall be substituted “£1000”.
- (c) In section 238 of the 1972 Act, paragraphs (c) and (d) shall be omitted.

24th January 1986

Kenneth Baker
Secretary of State for the Environment

29th January 1986

Nicholas Edwards
Secretary of State for Wales

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EXPLANATORY NOTE

Section 37 of the Wildlife and Countryside Act 1981 enables the Nature Conservancy Council to make byelaws for the protection of any area designated as a marine nature reserve under section 36 of that Act. Section 37(5) of that Act applies the procedural and other provisions of sections 236 to 238 of the Local Government Act 1972 to those byelaws subject to such modifications as may be prescribed by regulations. Accordingly these regulations make appropriate modifications and in particular—

- (a) regulation 2 makes modifications in respect of byelaws not authorised by an order of the Secretary of State under section 36 of the 1981 Act designating a marine nature reserve;
- (b) regulation 3 makes modifications in respect of byelaws authorised by an order of the Secretary of State under section 36 of the 1981 Act designating a marine nature reserve; and
- (c) regulations 2 and 3 provide for a maximum fine not exceeding £1000 for contravention of the byelaws.