

Byelaws for the Regulation of MONTROSE BASIN LOCAL NATURE RESERVE

Angus Council by virtue of the powers contained in sections 20, 21 and 106 of the National Parks and Access to the Countryside Act 1949 and sections 202 to 204 of the Local Government (Scotland) Act 1973 and all other powers authorising or empowering them in that behalf and after consultation with the Scottish Natural Heritage and with the consent of the Crown Estate Commissioners do hereby make and enact the following Byelaws for the preservation, management, regulation and protection of the Nature Reserve at Montrose Basin, Angus and for the prevention of offenses, nuisances or annoyances therein.

In these Byelaws -

- “the council” means Angus Council constituted under the Local Government (Scotland) Act 1994.
- “the Reserve” means the parts of the River Southesk, the parts of the estuary of the river known as Montrose Basin, the parts of the foreshore of the Montrose Basin and the parts of the adjoining lands being the areas described in and declared in terms of section 19 of the National Parks and Access to the Countryside Act 1949 to be a Nature Reserve within the meaning provided in section 15 of the said Act by a declaration by Angus District Council dated Twenty-fifth June Nineteen hundred and eighty-one as the said areas are shown outlined in red on the plan annexed hereto.
- “authorised official” means any person employed by or acting under the authority of the Council in the proper execution of any work connected with the improvement, maintenance or regulation of the Reserve.
- “vehicle” means any land or water borne conveyance by whatever power it may be drawn or propelled and includes boats and hovercraft type vessels and any other forms of transportation by water but does not include invalid chairs drawn or propelled by hand, perambulators and baby carriages.

No person shall in the Reserve:

- take, molest, willfully disturb, injure or kill or make any attempt to injure or kill any living creature of any description, or spread or use any net or set or use any lamp, snare or other engine, instrument or means for the taking, injuring or killing of any living creature:
- willfully disturb, displace, injure or destroy any bird’s nest or any bird’s eggs;
- carry or discharge any firearm or other instrument designed to propel a missile;
- shoot or attempt to shoot any living creature of any description.

Provided that nothing in this Byelaw shall affect the right of any appropriately authorised person to take such steps as may be required of him by the Secretary of State under section 39 of the Agriculture (Scotland) Act 1948 for the killing, taking or destroying on the Reserve of any birds or other animals to which the said section applies or the eggs of such birds.

The council reserve the right to close the Reserve or any part thereof at any time and for such period as they think appropriate.

If in their opinion: -

- it is desirable to prevent disturbance at any breeding, resting, roosting or feeding site used by any living creature within the Reserve: or
- it is desirable to protect the vegetation or any other natural features within the Reserve from undue human pressures : or
- it is desirable to protect areas or scientific experiments or management operations in the Reserve : or
- any emergency or other eventuality arises which makes it desirable in the public interest or to prevent interference with the objectives of nature conservation to close the Reserve or any part thereof.

When written notice of such closure is, in the name of the Council, posted at the recognised accesses to the Reserve no person other than an authorised official shall enter upon such specified part or parts thereof during such period as may be specified in such notice.

No person shall in the Reserve willfully pick, cut, displace or damage any soil, turf, plant or other vegetation.

No person shall willfully obstruct, disturb, interrupt or annoy any other person in the proper use of the Reserve or willfully obstruct, disobey, disturb or interrupt any authorised official in the proper execution of his duties.

No person shall in the Reserve ride, draw, propel or drive any vehicle or ride or drive any horse or other animal so as to cause danger or annoyance to any person using the Reserve or so as to disturb or cause damage to any bird, bird's eggs, bird's nest or other animal or any plant or other vegetation in the Reserve.

No person shall in the Reserve moor or propel or permit to be moored or propelled any boat or other form of vehicle elsewhere than in the channel of the River Southesk as it may exist, subject to natural changes, from time to time, the present channel being shown hatched in red on said plan annexed hereto.

No person shall cause or permit any dog or other animal belonging to him or in his charge to enter or remain in the Reserve unless such dog or other animal be or continues to be under proper control and effectively constrained from causing annoyance to any person, from molesting or disturbing any bird or other animal and from damaging or destroying any plant or other vegetation.

No person shall deposit any litter, paper, glass, tin or earthenware article (whole or broken), waste material or rubbish of any description in the Reserve except in such receptacles as may be provided for the purpose.

No person shall introduce or cause or permit to be introduced to any waters in the Reserve any excrement, rubbish, waste or scrap or any noxious or deleterious material or liquid of any kind or otherwise to foul or pollute such waters unless with the consent of the Council and the Scottish Environmental Protection Agency.

Except in the course of the proper execution of any work in connection with the improvement, maintenance or regulation of the Reserve no person shall in the Reserve

- erect, occupy or use any shelter, tent, shed or other structure ;
- remove, deface, damage or destroy any fence, gate, notice board or other structure of any kind ; or
- light a fire or do anything likely to cause a fire.

The Council may, by the issue of permits or by public notice, authorise the doing of anything in the Reserve which would otherwise be unlawful under these Byelaws and the details to be included shall be :-

- in the case of a permit or notice:-
 - the period for which it will remain valid ;
 - the extent of the Reserve over which it applies ;
 - the fact that it may be revoked by the Council at any time;
 - the purpose(s) for which it alone will be valid;
- in the case of a permit only:-
 - the name of the person or persons in respect of whom alone it will be valid;
 - the requirement that it must be carried whenever a visit is made to the Reserve and produced for inspection when requested by any authorised official or police officer.

Nothing in these bylaws shall interfere with the exercise of any right vested in any owner, lessee or occupier of land or any interest within the Reserve.

Any person who contravenes any of the foregoing shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale, and in the case of a continuing offense a further fine not exceeding the sum of £5 for each day during which the offense continues after conviction thereof.

The foregoing Byelaws were made and enacted by Angus Council on the Nineteenth day of February Nineteen Hundred and Ninety Eight with the consent of the Crown Estate Commissioners.