EXPLANATORY MEMORANDUM TO

The Forestry Land Byelaws (Northern Ireland) 2013

SR 2013 No. 30

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under the Forestry Act (Northern Ireland) 2010 and is subject to the negative resolution procedure.

2. Purpose

2.1. The Forestry Land Byelaws (Northern Ireland) 2013 are being made under the Forestry Act (Northern Ireland) 2010 which allows the Department to make byelaws to support a public right of pedestrian access, and to regulate the reasonable use of forestry land by visitors.

3. Background

3.1. The Forestry Act allows the Department to make byelaws to support a public right of pedestrian access , and to regulate the reasonable use of forestry land by visitors. The Byelaws are intended to promote responsible enjoyment of the Department's forestry land and help ensure the safety of visitors and users as well as the sustainability of the forest environment, wildlife and habitats. The Byelaws may also limit public right of pedestrian access for reasons specified in the Byelaws.

4. Consultation

4.1. The consultation on draft byelaws ended on 23 June 2011. There was significant public interest to proposals to prohibit pedestrian access to forestry land from sunset to sunrise, and to designate areas for cycling. The consultation also pointed to a need to adopt less restrictive byelaws and suggested that most visitors behave responsibly in providing for their own safety

4.2. In response to the consultation, the Department has produced draft Byelaws to reflect a balance between freedom and responsibility while supporting its management of duty of care and protection of the forestry land and its habitats

5. Equality Impact

5.1. In accordance with DARD's obligations under Section 75 of the Northern Ireland Act 1998, the Byelaws were screened out for Equality Impact in February 2011 as a full equality impact assessment of the Department's "A Strategy to Develop the Recreational and Social Use of our Forests" was conducted in 2009.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment has not been prepared for this instrument as it has negligible impact on business, charities or voluntary bodies.

7. Financial Implications

7.1. The proposals to extend the scope of lawful access, particularly night-time pedestrian access and more extensive cycling, will result in increased cost of providing non-commercial recreation opportunities, attributable to greater inspection activity and monitoring, greater use of warning signs, and greater maintenance.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Byelaws deal with proposals for forestry byelaws and do not have any human rights implications, nor are they incompatible with EU law. The Regulations are therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. There are no EU implications.

10. Parity or Replicatory Measure

10.1. There is no requirement to maintain parity.

11. Additional Information

11.1. Not applicable