



EIR Ref: 2016/042

22nd September 2016

REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

Thank you for your request for information, received by email on 25th August 2016.

We have applied the exemption under Section 39(2) of the Freedom of Information (Scotland) Act 2002 as we have determined that the information sought in your request is environmental information. We are therefore handling your request under the terms of the Environmental Information (Scotland) Regulations 2004 (EIRs). In this case the public interest in maintaining this exemption and in dealing with the request in line with the requirements of the EIRs outweighs any public interest in disclosing the information under FOISA.

Your specific requests and the response from the National Park Authority are provided below.

“clarify in some detail the source of this power [to demand name and address details] they have assigned to their rangers.”

Under the National Parks (Scotland) Act 2000, the Park Authority can create byelaws to help manage and protect the environment or areas that suffer from the negative impact of recreational over-use or to address issues of safety.

Byelaws can be enforced by the Park Authority, therefore powers can be given to Park Authority Rangers as well as the police.

Byelaws work alongside other criminal laws which are enforceable by the police, and are an additional way of helping to manage significant problems in specific areas.

The final decision on the introduction of any new byelaws is made by Scottish Ministers.

“I would like to know specifically how it has been possible to assign the powers previously only available to Police Officers to a Park Ranger and details of the legal mechanism that LLTNPA has used to achieve this capability.”

Rangers have the authority to request personal information, whereas Police Officers can compel an individual to provide their personal details, so the powers are not identical. Where an individual fails to provide their details when requested by Park Authority Rangers, they can request police assistance in order that the details are obtained and appropriate enforcement action can be taken.

By approving the byelaws, Scottish Ministers have conferred the Park Authority Board with the ability to enforce them. A scheme of delegation for the byelaws then transfers that ability from the

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

National Park Headquarters, Carrochan, Carrochan Road, Balloch, G83 8EG Long: 4°34'24"W Lat: 56°00'12"N
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Board to the Chief Executive as Approved Officer. The Chief Executive then authorises any officer of the Park Authority they require to enforce the byelaws as part of their duties.

“I would like a copy of the documentation connected with the request for the bylaws to be put in place with full detail rather than what appears to be a short form summary in the bylaws leaflet. The byelaws state in section 16 that it is an offense not to give the information listed in section 11. What is the actual offense the individual is guilty of, for not giving their details to a park ranger?”

We think that the byelaw leaflet that you are referring to is the leaflet for the East Loch Lomond Byelaws 2011, which were approved by Scottish Ministers on 10 March 2011 following extensive public consultation. Please find attached documentation in Appendix A that formed the submission to Scottish Ministers in 2010 for confirmation of the East Loch Lomond Camping Byelaws.

The full text of the East Loch Lomond byelaws approved by Ministers is available in the byelaws leaflet available on our website; <http://www.lochlomond-trossachs.org/rr-content/uploads/2016/07/East-Loch-Lomond-Camping-Byelaws.pdf>

If an individual fails to provide their details to a Ranger on request, this offence is currently a contravention of Byelaw 11 of the East Loch Lomond Camping Byelaws 2011.

Yours sincerely

Information Officer
info@lochlomond-trossachs.org

Review Procedure

If you are dissatisfied with this response, or the way in which the Authority has dealt with your request, you are entitled to ask the Authority to review its decision. Please note that in order for a review to take place you must:-

- Lodge a written request for a review within 40 working days of either the date on which you received a response from the University or the date by which you should have received a response under the terms of the Environmental Information (Scotland) Regulations 2004, whichever is the later.
- Include your name, address for correspondence, a description of the original request, and the reasons why you are dissatisfied; and

address your review request to the Governance & Legal Services Manager:

Amanda Aikman
Loch Lomond & The Trossachs National Park Authority
National Park Headquarters
Carrochan
Carrochan Road
Balloch

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Please note that links provided to information available elsewhere are intended to assist you. Requests for information held by other public authorities, and any complaints regarding access to such information should be addressed to that authority. These review procedures relate only to information which is directly under the control of Loch Lomond & The Trossachs National Park Authority.

The review of your request will be handled by staff who were not involved in the original decision. You will receive notice of the result of your review within 20 working days.

If you are not satisfied with the response to your request for review, you can contact the Scottish Information Commissioner, the independent body which oversees the Environmental Information (Scotland) Regulations 2004, at:

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS
Tel: 01344 464 610
Website: www.itspublicknowledge.info
E-mail: enquiries@itspublicknowledge.info

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