



Fire circle © Vicky Hilton

Fire management byelaws consultation (Sep to Dec 2024)



Cairngorms
National Park

Pàirc Nàiseanta a'
Mhonaidh Ruaidh



Fire management byelaws consultation

23 September to 16 December 2024

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23 September to 16 December 2024

1. Background

The Park Authority launched a consultation on fire management, including the potential introduction of a fire byelaw, on Thursday 8 February 2024, with the consultation running for 10 weeks until Wednesday 17 April 2024.

The online survey received a total of 1,664 online responses and 18 written responses. 79% of all respondents supported the introduction of a byelaw, 16% were against and 5% were unsure. The Park Authority did not express a preference during this consultation, but the results gave the Park Authority a mandate for change. The [consultation summary can be found here](#) alongside the board paper of 28 June 2024.

On the 28 June 2024, after considering the consultation feedback, the Park Authority board agreed to develop a seasonal fire management byelaw, which would last from 1 April to 30 September each year. This decision was based on feedback from the consultation, which suggested that the approach should be easy to communicate, not perceived as heavy-handed and cover the period with the greatest risk.

This current consultation is the statutory consultation as laid out in the National Parks (Scotland) Act 2000 and considers the specific wording of the byelaw.

2. Process

Schedule 2 to the National Park (Scotland) Act 2000 provides, at paragraph 9, for the procedure to be followed where the Park Authority proposes to make byelaws. Sections 202 to 204 of the Local Government (Scotland) Act 1973 also apply in relation to the proposed byelaws. These impose additional requirements in relation to the adoption and revocation of byelaws.

As set out in statute, the byelaw must be made available for public inspection for at least 12 weeks and publicised in such manner as the Park Authority sees fit.



Following the consultation, the Park Authority will assess responses and, in January 2025, will consider the final wording of the byelaw, to be submitted to Scottish Ministers. Following this decision – and at least one month before application for confirmation of the byelaws is made – notice of the following must be given in a newspaper circulating in the byelaw area:

- The intention to apply for confirmation.
- The place where a copy of the byelaws may be inspected.
- The authority to whom objections may be notified – ie Scottish Ministers.

Within one month after publication of the notice, any person can submit a written objection to Scottish Ministers. Before confirming the byelaws, Scottish Ministers must take into account any objections received and may hold a local inquiry or cause a local inquiry to be held.

Scottish Ministers may confirm the byelaws with or without modification, or may refuse to confirm. They may fix the date on which the byelaws come into operation. If no date is fixed, the byelaws will come into operation one month after the date of confirmation.

3. Consultation

The Park Authority has already consulted widely on a fire management byelaw. This consultation is specifically looking at the wording of the byelaw. The proposed wording can be found at Annex 1, with the key provision at points 3 to 6.

There were three main areas where clarification was sought by respondents to the previous consultation. This clarification is set out below:

- **Formal outdoor groups** – the provisions of clauses 4(d) and 5(c) cover scout groups, outdoor education groups etc, provided they are on private property and have the approval of the landowner.
- **Farming** – the provision of Clause 4(d) covers a farmer burning stubble in their fields or having a farm bonfire on their own land, or on someone else's land with their permission.
- **Muirburn** – Clause 4 only creates an offence where a person lights a fire without lawful authority. Any burning in terms of a muirburn licence would be excluded, the muirburn licence being the lawful authority.



4. Enforcement

The wording in Annex 1 sets out that any contravention of the byelaw results in a fine not exceeding level two on the standard scale. For information this means the fine can be up to £500.

5. Timescale

The consultation will run from 23 September until 16 December 2024 inclusive. Following the consultation, the Park Authority will assess responses and, in January 2025, will consider the final wording of the byelaw, to be submitted to Scottish Ministers.

6. Consultation questions

As part of the formal consultation on the draft wording of the fire management byelaw, we are seeking views on the following three questions:

1. Do you agree with the wording of the byelaw as set out at Annex 1?
2. Do you propose any changes to the wording as set out at Annex 1?
3. Do you have any other comments on the proposed byelaw?

There are a range of ways to get involved in the consultation:

- Online – go to cairngorms.co.uk/fires to complete our survey.
- Phone – call us on 01479 870 535.
- Email – email us with your answers at haveyoursay@cairngorms.co.uk.
- Post – send your answers to: Fire byelaws consultation, Cairngorms National Park Authority, 14 The Square, Grantown-on-Spey, PH26 3HG.
- In person – visit the Park Authority offices or pop into your local library.

Alternative formats of this document – including large print – are also available on request.



Annex 1 – fire management byelaw

1. General

The Cairngorms National Park Authority, constituted under the National Parks (Scotland) Act 2000 and the Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003, and having its principal offices at 14 The Square, Grantown-on-Spey, Moray, PH26 3HG (“the Authority”), in exercise of the powers conferred upon it by Paragraph eight of Schedule Two to the National Parks (Scotland) Act 2000 hereby makes the following byelaws:

2. Citation and application

These byelaws may be cited as The Cairngorms National Park Fire Management Byelaws 2025.

These byelaws shall apply between the dates of 01 April and 30 September in each calendar year (both dates inclusive) within the Cairngorms National Park (“the National Park”).

3. Definitions and interpretations

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:

“Avoidable damage” means any damage resulting from fire where that fire that has not been properly planned, controlled and / or managed in recognition of the local ground terrain, vegetation, accessibility and weather conditions between the time of ignition to when the fire is fully extinguished.

“Barbecue” means an appliance or rack on which food is cooked out of doors over an open fire and shall include a disposable barbecue, whether manufactured as such or otherwise. It shall not include a gas barbecue.



“Bothy” means a building of no more than two storeys which:

- Does not have any form of mains electricity, piped fuel supply and piped mains water supply.
- Is 100 metres or more from the nearest public road (within the meaning of Section 151 of the Roads (Scotland) Act 1984).
- Is 100 metres or more from the nearest habitable building.

“Curtilage” means land which is used for the comfortable enjoyment of a building and which serves the purpose of that building in some necessary or reasonably useful way.

“Dwellinghouse” means a residential property, including a building containing one or more flats, or a flat contained within such a building.

“Fireplace” means a structure (including wood burning stove) that is designed to contain a fire and is made of brick, stone, metal or any other material.

“Land manager” means:

- A landowner, tenant or partner lawfully authorised by or on behalf of such landowner or tenant to manage land within the National Park; and
- in the case of a landowner, tenant or other person that is a body corporate or unincorporated body, any individual who has the power to control the affairs of that body, by whatever means.

“Landowner” means the owner of any land or building within or connected to the National Park.

“Licensed” means holding a valid licence issued under the Caravan Sites and Control of Development Act 1960.

“Occupier” means any person who is occupying a dwellinghouse or property with the consent of the landowner.

“Partner” means a sporting partner engaged in the management of any land within the National Park.



“Property” includes both land and built infrastructure.

“SFRS” means the Scottish Fire and Rescue Service (SFRS), established in terms of the Fire (Scotland) Act 2005 and its statutory successors.

“Tenant” means the tenant of any land within the National Park leased or let to such tenant under a lease of one year or more.

4. Fire

It shall be an offence under these byelaws for any person without lawful authority to light a fire in the National Park, or place or throw or let fall a lighted match, firework or any other thing so as to be likely to cause a fire, unless the fire is wholly contained:

- Within the curtilage of a private dwellinghouse and is under the control of the landowner, tenant or occupier of the dwellinghouse so as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation.
- In a fireplace in a bothy so as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation.
- In a licensed caravan site so as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation, has permission from the owner of the site and is not taking place during a time of high fire risk, as determined by SFRS.
- Within private property, is under the control of the landowner, tenant or occupier of the property so as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation, has the consent of the landowner and is not taking place during a time of high fire risk, as determined by SFRS.

These byelaws shall not prevent the use of a camping stove manufactured as a camping stove or cooker, provided it is used in such a manner as not to cause danger of, or damage by, fire.



5. Barbecues

It shall be an offence under these byelaws for any person without lawful authority to light or use a barbecue anywhere in the National Park, unless the barbecue is wholly contained:

- Within the curtilage of a private dwellinghouse and is under the control of the landowner tenant or occupier of the dwellinghouse so as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation.
- In a licensed caravan site so as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation, has permission from the owner of the site and is not taking place during a time of high fire risk, as determined by SFRS.
- Within private property, is under the control of the landowner, tenant or occupier of the property so as to safeguard against damage or danger to any person, wildlife, building, structure, tree, shrub or vegetation, has the consent of the landowner, and is not taking place during a time of high fire risk, as determined by SFRS.

These byelaws shall not prevent the use of a gas barbecue, provided it is used in such a manner as not to cause danger of, or damage by, fire.

6. Provision of details

It shall be an offence under these byelaws for any person to refuse to provide their full name and address to any person authorised in writing by the Authority who has reasonable grounds for believing that such person has committed an offence under these byelaws.

7. Penalties and offences

No person shall obstruct any person authorised in writing by the Authority in the execution of their duties in relation to these byelaws.



Any person who contravenes any of the foregoing byelaws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding Level Two on the Standard Scale in respect of each offence.

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