

## APPENDIX 1 – ENFORCEMENT POWERS OF EPPING FOREST CONSERVATORS<sup>1</sup>

OFFENCE/FUNCTION	FUNCTIONS/POWERS OF AUTHORISED OFFICERS <sup>2</sup>	FUNCTIONS/POWERS OF CONSTABLES	PENALTIES, etc.
<b>S.43 Epping Forest Act 1878:</b> Reeves and other officers appointed by the Conservators may be sworn in as Constables before a JP for Essex to secure the better execution of EFA 1878 and of the Conservators' byelaws		<ul style="list-style-type: none"> <li>To secure the better execution of the EFA 1878 and the Epping Forest byelaws.</li> </ul>	<ul style="list-style-type: none"> <li>Any person resisting or assaulting a constable reeve or other officer in the execution of their duty they are liable to a penalty of £200 – S.44 EFA 1878 as amended by City of London (Various Powers) Act 1977</li> </ul>
<b>S.44 Epping Forest Act 1878:</b> Any person who assaults or resists a Constable or other officer or person in executing their duty or lawful exercise of authority under the EFA 1878 or byelaw is guilty of an offence			<ul style="list-style-type: none"> <li>Any person resisting or assaulting a constable reeve or other officer in the execution of their duty they are liable to a penalty of £200 – S.44 EFA 1878 as amended by City of London (Various Powers) Act 1977</li> </ul>
<b>S.46 Epping Forest Act 1878:</b> Constable may stop and detain a person found or reasonably suspected of committing an offence under S.44 EFA 1878 or a byelaw, and take person before JP		<ul style="list-style-type: none"> <li>Power to stop and detain a person suspected of committing an offence under s.44 EFA 1878 or a byelaw</li> </ul>	<ul style="list-style-type: none"> <li>A person detained under S.46 must be taken before the Justices of the Peace as soon as practicable in accordance with procedure in the EFA 1878 and the defendant may appeal (Ss 47-51 EFA 1878)</li> </ul>
<b>S.9(5) City of London (Various Powers) Act 1971:</b> Contravention of a notice or direction sign regarding	<ul style="list-style-type: none"> <li>An authorised officer may issue a Fixed Penalty Notice (“FPN”)</li> </ul>		<ul style="list-style-type: none"> <li>Any persons contravening a notice or direction sign are liable to a fine not exceeding £200 (S.9(5) EFA 1878 as</li> </ul>

<sup>1</sup> In addition to the Conservators Enforcement Powers there are also other proposed enforcement functions to be undertaken by Epping Forest Staff as follows:

(i) On behalf of the local waste management authority in respect of fly-tipping (S.108 Environment Act 1995); (ii) Certain Essex and Metropolitan Police community safety functions (Part 4 Police Reform Act 2002)

<sup>2</sup> Charity trustees may delegate responsibilities to employees where allowed for in the charity governing documents (as long as the trustee retains ultimate responsibility). S.31(4) Epping Forest Act 1878 provides that the acts and proceedings of Epping Forest Committee shall be done and conducted subject and according to the like rules as if it were a committee of the Court of Common Council. As such, the Officer Scheme of Delegation approved by Court of Common Council under S.101 Local Government Act 1972 and the general power to delegate functions applies to the Conservators subject to the EF & C Committee retaining ultimate responsibility.

horse riding restrictions imposed under S.9(1) of the 1971 Act	<p>to a person the officer believes has committed the offence (<b>S.11 CoL (Open Spaces) Act 2018</b>)</p> <ul style="list-style-type: none"> <li>• An authorised officer may require names and addresses with a view to issuing an FPN (<b>S. 12 CoL (Open Spaces) Act 2018</b>)</li> <li>• If an officer executing their duties under S.9(5) for the preservation of Epping Forest is assaulted or resisted, <b>S.44 EFA 1878</b> is engaged</li> </ul>	<ul style="list-style-type: none"> <li>• Where S.44 is engaged, the Constables' power of detention is engaged</li> </ul>	<p>amended by City of London (Various Powers) Act 1977)</p> <ul style="list-style-type: none"> <li>• The amount of fixed penalty in respect of an FPN issued under S.11 of the 2018 Act is an amount to be prescribed by the Corporation and must not exceed £100 (S.11(7) CoL (OS) Act 2018)</li> </ul>
<b>S.7(6) City of London (Various Powers) Act 1977:</b> Contravention of a notice or direction sign regarding access restrictions imposed under S.7 (1) of the 1977 Act	<ul style="list-style-type: none"> <li>• An authorised officer may issue a Fixed Penalty Notice ("FPN") to a person the officer believes has committed the offence (<b>S.11 CoL (Open Spaces) Act 2018</b>)</li> <li>• An authorised officer may require names and addresses with a view to issuing an FPN (<b>S. 12 CoL (Open Spaces) Act 2018</b>)</li> <li>• An authorised officer may appear in legal proceedings before the Magistrates Court (<b>S.15 CoL (Open Spaces) Act</b></li> </ul>		<ul style="list-style-type: none"> <li>• Any persons contravening a notice or direction sign is committing an offence liable on summary conviction to fine not exceeding £50 (S.7(6) EFA City of London (Various Powers) Act 1977)</li> </ul>

	<p><b>2018 &amp; S.233 Local Government Act 1972)</b></p> <ul style="list-style-type: none"> <li>• An authorised officer may appear in legal proceedings before the Magistrates Court (<b>S.15 CoL (Open Spaces) Act 2018 &amp; S.233 Local Government Act 1972)</b></li> <li>• If an officer executing their duties under S.7(6) for the preservation of Epping Forest is assaulted or resisted, <b>S.44 EFA 1878</b> is engage</li> </ul>	<ul style="list-style-type: none"> <li>• Where S.44 is engaged, the Constables' power of detention is engaged</li> </ul>	
<p><b>S.10(4) City of London (Open Spaces) Act 2018:</b> Any person who without reasonable excuse carries on specified commercial activity without a license or in breach of license conditions commits an offence</p>	<ul style="list-style-type: none"> <li>• An authorised officer may issue a Fixed Penalty Notice ("FPN") to a person the officer believes has committed the offence (<b>S.11 CoL (Open Spaces) Act 2018)</b></li> <li>• An authorised officer may require names and addresses with a view to issuing an FPN (<b>S. 12 CoL (Open Spaces) Act 2018)</b></li> <li>• An authorised officer may appear in legal proceedings before the Magistrates Court (<b>S.15 CoL (Open Spaces) Act 2018 &amp; S.233 Local Government Act 1972)</b></li> </ul>		<ul style="list-style-type: none"> <li>• A person committing an offence under S.10(4) of the 2018 Act is liable on summary conviction to a fine not exceeding level 2 on standard scale (S.10(4) Col (OS) Act 2018)</li> </ul>

	<ul style="list-style-type: none"> <li>If an officer executing their duties under S.10(4)) for the preservation of Epping Forest is assaulted or resisted, <b>S.44 EFA 1878</b> is engaged</li> </ul>	<ul style="list-style-type: none"> <li>Where S.44 is engaged, the Constables' power of detention is engaged</li> </ul>	
<b>S.13 City of London (Open Spaces) Act 2018:</b> removal and disposal of unauthorised articles or objects (including vehicles) left without permission or lawful authority	<ul style="list-style-type: none"> <li>An officer may be authorised to exercise removal functions in accordance with S.18 of the 2018 Act</li> <li>If an officer executing their duties under S.13 for the preservation of Epping Forest is assaulted or resisted, <b>S.44 EFA 1878</b> is engaged</li> </ul>	<ul style="list-style-type: none"> <li>A Constable may be authorised to exercise removal functions in accordance with S.18 of the 2018 Act</li> <li>Where S.44 is engaged, the Constables' power of detention is engaged</li> </ul>	<ul style="list-style-type: none"> <li>A person appearing in control of the article must first be given an opportunity to remove it (S.13(2) of 2018 Act)</li> <li>When an article is removed it must be stored (unless abandoned, of no value or not capable of being stored) and (other than vehicles) may be disposed of after 14 days (S. 13(3)-(5) of 2018 Act)</li> </ul>
<sup>3</sup> <b>Epping Forest Byelaws 1980:</b> Prohibited activities are deemed to be offences against the EFA 1878 including: taking anything from the Forest; making fires; selling alcohol without permission; flying model aircraft without permission; using a bicycle or vehicle to the danger or annoyance of the public; driving vehicles on the Forest other than on highway, car park or with consent; hunting or catching animals and birds; fishing without consent; camping; boating other than in prescribed places; swimming other than at prescribed places; hawking;	<ul style="list-style-type: none"> <li>An authorised officer may issue a Fixed Penalty Notice ("FPN") to a person the officer believes has breached a byelaw (<b>S.11 CoL (Open Spaces) Act 2018</b>)</li> <li>An authorised officer may require names and addresses with a view to issuing an FPN (<b>S. 12 CoL (Open Spaces) Act 2018</b>)</li> <li>An authorised officer may appear in legal</li> </ul>		<ul style="list-style-type: none"> <li>Any person offending the byelaws is liable on summary conviction to a fine not exceeding £200 (Byelaw 5)</li> </ul>

<sup>3</sup> Power to make byelaws are provided by S.36 Epping Forest Act 1878; S.17 City of London (Various Powers) Act 1959; S.6 City of London (Various Powers) Act 1977; S.9&10 City of London (Various Powers) Act 1990; Anti-social Behaviour (Designation of City of London) Order 2015 made under S.71(1) Anti-social Behaviour, Crime and Policing Act 2014

filming for commercial purposes without consent; injuring or disfiguring the Forest; obstructing EF officers.	<p>proceedings before the Magistrates Court (<b>S.15 CoL (Open Spaces) Act 2018 &amp; S.233 Local Government Act 1972</b>)</p> <ul style="list-style-type: none"> <li>If an officer executing their duties under S.10(4)) for the preservation of Epping Forest is assaulted or resisted, <b>S.44</b></li> </ul>	<ul style="list-style-type: none"> <li>Where S.44 is engaged, the Constables' power of detention is engaged</li> </ul>	
<b>Wanstead Park Byelaws 1903 (and additional Wanstead Park Byelaws 1950 &amp; 1965):</b> Activities prohibited by the byelaws include: being intoxicated; hawkers; public meetings; leaving rubbish; climbing or damaging trees; causing nuisance; shooting or hunting birds or animals; making fires; obstructing officers; taking gravel, plants, etc without consent; disfiguring the park; riding horses; cycling (except on areas set apart for cycling); having dogs not under control; fishing without consent.	<ul style="list-style-type: none"> <li>As above</li> </ul>	<ul style="list-style-type: none"> <li>As above</li> <li>Any person found breaching the Byelaws may be stopped and detained by a Constable without warrant (byelaw 41)</li> </ul>	<ul style="list-style-type: none"> <li>Officers of the Conservators may remove persons causing a nuisance, etc from the park (Byelaw 40)</li> <li>Any person assaulting or resisting any officer in the exercise of their authority under these byelaws is liable to a penalty not exceeding £5</li> <li>Any person offending the Byelaws is liable on summary conviction to a fine not exceeding £200 (1965 Additional Byelaws and S.10 CoL (VP) Act 1977</li> </ul>
<b>Deer Sanctuary Byelaws 1962 (and additional Deer Sanctuary Byelaws 1965):</b> Activities prohibited by the Byelaws unless permitted by the Conservators include: entering or moving in the Deer Sanctuary; driving vehicles; damaging barriers, etc; littering; shooting; disturbing animals; lighting fires.	<ul style="list-style-type: none"> <li>As above</li> </ul>	<ul style="list-style-type: none"> <li>Where S.44 is engaged, the Constables' power of detention is engaged</li> </ul>	<ul style="list-style-type: none"> <li>Any person offending the Byelaws is liable on summary conviction to a fine not exceeding £50 (1965 Additional Byelaws and S.10 CoL (VP) Act 1977)</li> </ul>
	<ul style="list-style-type: none"> <li></li> </ul>		<ul style="list-style-type: none"> <li></li> </ul>