
STATUTORY INSTRUMENTS

1983 No. 1895

The Access to the Countryside (Northern Ireland) Order 1983

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Access to the Countryside (Northern Ireland) Order 1983.

(2) This Order shall come into operation on the expiration of the period of three months from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954^{F1} shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

^{F2F3}(2) In this Order—

“aerodrome”^{F4} means an airport, as defined in Article 2(2) of the Airports (Northern Ireland) Order 1994];

^{F5}“agriculture” shall be construed in accordance with section 43(1) of the Agriculture Act (Northern Ireland) 1949;

“the Department” means the Department of the Environment;

“development” has the meaning assigned to it by the ^{F2}Planning Act (Northern Ireland) 2011];

^{F6}“district valuer” has the meaning assigned to it by Article 2(2) of the Rates (Northern Ireland) Order 1977;

^{F7}“electricity undertaker” means a holder of a licence under Article 10(1) of the Electricity (Northern Ireland) Order 1992;]

“excepted land” has the meaning assigned to it by Article 26(5);

“government department” includes a department of the Government of the United Kingdom;

“interest”, in relation to land, includes any right over land, whether the right is exercisable by virtue of the ownership of an interest in land or by virtue of a licence or agreement, and in particular includes sporting and fishing rights;

“motor vehicle” includes motor bicycle;

“open country” has the meaning assigned to it by Article 25(2);

^{F8}“owner” in relation to land, means any person for the time being receiving or entitled to receive the rack rent of any land, whether on his own account or as agent or trustee for another or who, if the land were let at a rack rent, would so receive or be entitled to receive that rent]

“pedal cycle” means a bicycle or tricycle which is designed and constructed for propulsion solely by the physical exertions of a person or persons seated thereon;

“planning permission” has the meaning assigned to it by ^{F3}section 250(1) of the Planning Act (Northern Ireland) 2011];

“prescribed” means prescribed by regulations made by the Department;

“public path” means a way over which the public have by virtue of Article 11, 12, 15 or 16 (but subject to any conditions, limitations, orders or bye-laws) a right of way on foot, on horseback and (by virtue of Article 20) on a pedal cycle, but not using a motor vehicle;

“public path creation agreement” means an agreement made under Article 11;

“public path creation order” means an order made under Article 12;

“public path diversion order” means an order made under Article 15 or 16;

“public path extinguishment order” means an order made under Article 14 or 16;

“public right of way” does not include a road or any other way which is maintainable by a government department;

^{F9c}“refreshments” includes intoxicating liquor within the meaning of section 84(1) of the Licensing Act (Northern Ireland) 1971;

^{F10F7}“statutory undertakers” means any persons authorised by any statutory provision to carry on any railway, canal, inland navigation, dock, harbour, or other public undertaking and includes^{F11} a universal service provider (within the meaning of ^{F12}Part 3 of the Postal Services Act 2011) in connection with the provision of a universal postal service (within the meaning of ^{F13}that Part)]^{F7}, an electricity undertaker] and British Telecommunications^{F4} and the airport operator (within the meaning of the Airports (Northern Ireland) Order 1994) of any airport to which Article 25 of that Order applies];

^{F14}“telegraphic line” has the same meaning as in the Telegraph Act 1878;

“waterway” means any lough, river, reservoir, canal or tidal or coastal waters, being (in any case) water suitable, or which can reasonably be rendered suitable, for sailing, boating, bathing, fishing or other water sport or recreation.

(3) Where a public right of way passes over a bridge or through a tunnel, that bridge or tunnel is to be taken for the purposes of this Order to be part of the way.

F1 1954 c. 33 (N.I.).

F2 Words in art. 2(2) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by Planning Act (Northern Ireland) 2011 (c. 25), s. 254(1)(2), **Sch. 6 para. 47(a)** (with s. 211); S.R. 2015/49, arts. 2, 3, Sch. 1 (with Sch. 2 (as amended (16.3.2016) by S.R. 2016/159, art. 2))

F3 Words in art. 2(2) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by Planning Act (Northern Ireland) 2011 (c. 25), s. 254(1)(2), **Sch. 6 para. 47(b)** (with s. 211); S.R. 2015/49, arts. 2, 3, Sch. 1 (with Sch. 2 (as amended (16.3.2016) by S.R. 2016/159, art. 2))

F4 1994 NI 1

F5 1949 c. 2 (N.I.).

F6 S.I. 1977/2157 (N.I. 28).

F7 1992 NI 1

F8 Art. 2(2): definition of "owner" substituted (1.4.2007) by Rates (Consequential Provisions) Order (Northern Ireland) 2007 (S.R. 2007/192), art. 2(1), **Sch. 1 para. 6**

F9 1971 c. 13 (N.I.).

F10 1996 NI 2

F11 SI 2001/1149

F12 Words in art. 2(2) in definition of "statutory undertakers" substituted (1.10.2011) by Postal Services Act 2011 (Consequential Modifications and Amendments) Order 2011 (S.I. 2011/2085), art. 5(1), **Sch. 1 para. 16(a)**

- F13** Words in art. 2(2) in definition of "statutory undertakers" substituted (1.10.2011) by [Postal Services Act 2011 \(Consequential Modifications and Amendments\) Order 2011 \(S.I. 2011/2085\)](#), art. 5(1), **Sch. 1 para. 16(b)**
- F14** 1878 c. 76.

Changes to legislation:

There are currently no known outstanding effects for the The Access to the Countryside (Northern Ireland) Order 1983, PART I.