
STATUTORY INSTRUMENTS

1985 No. 170 (N.I. 1)

The Nature Conservation and Amenity
Lands (Northern Ireland) Order 1985

- - - - - 13th February 1985

PART I
INTRODUCTORY

Title and commencement

1. This Order may be cited as the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 and shall come into operation on the expiration of the period of two months from the day on which it is made.

Interpretation

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

(2) In this Order—

“Committee for Nature Conservation” means the committee established under Article 5;

“the Department” means the Department of the Environment;

“derelict site” means land, which the Department after consultation with the district council within whose district the land is situated, considers as detracting from the amenity of the area by reason of any unsightly, dilapidated or neglected structure or works or unsightly vegetation, refuse or waste material on the land;

“local or public authority” includes any authority or body specified in paragraph 1 of Schedule 1 to the^[F1] Financial Provisions (Northern Ireland) Order 1983] as an authority or body to whom government loans may be made by the Department of Finance and Personnel under^[F1] Article 8 of that Order];

“National Park” means an area designated as a National Park under Article 12;

“nature conservation” means the conservation of flora, fauna and geological and physiographical features;

“nature reserve” means any area reserved, managed and used for the purpose of—

- (a) conserving flora, fauna or features of geological, physiographical or other scientific or special interest therein; or

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985. (See end of Document for details)

- (b) providing, under suitable conditions and control, special opportunities for the study of, and research into, matters relating to flora and fauna and the physical conditions in which they live, or for the study of features of geological, physiographical or other scientific or special interest therein;

or for both of those purposes;

“owner”, in relation to any land, means any person (other than a mortgagee not in possession) who is the holder of or who is for the time being entitled to sell or otherwise dispose of the fee simple (including a fee farm grant) of the land or any person entitled to possession of the land by virtue of any estate in the land other than a mere licence;

“statutory provision” has the meaning given in section 1(f) of the Interpretation Act (Northern Ireland) 1954;

“Ulster Countryside Committee” means the committee referred to in Article 11;

“voluntary body” means any body of persons, whether corporate or unincorporate carrying on or proposing to carry on an undertaking otherwise than for profit.

- (3) Nothing in this Order shall make unlawful anything done under the Diseases of Animals (Northern Ireland) Order 1981.

F1 1989 NI 3

PART II

NATURE CONSERVATION AND ENJOYMENT OF THE COUNTRYSIDE

Nature conservation and enjoyment of the countryside

3.—(1) The functions of the Department shall include formulating and implementing policies for nature conservation and the conservation and enhancement of the natural beauty and amenity of the countryside.

(2) In exercise of its functions under paragraph (1) (and without prejudice to the generality of that paragraph), the Department may—

- (a) carry out, commission, or support by financial means or otherwise, such inquiries, investigations or researches as it considers necessary or expedient;
- (b) provide advice and disseminate knowledge about nature conservation and the conservation and enhancement of the natural beauty and amenity of the countryside;
- (c) establish, manage and maintain nature reserves in Northern Ireland;
- (d) take such steps as it considers expedient to encourage the provision and improvement, for persons resorting to the countryside, of facilities for the enjoyment of the countryside and open-air recreation in the countryside.

(3) The Department—

- (a) may provide, or assist in the provision of, publicity, mapping and information services relating to the countryside, to places of beauty and interest therein; and
- (b) shall take such steps as appear to it expedient for securing that suitable methods of publicity are used for the prevention of damage in the countryside and for encouraging a proper standard of behaviour on the part of persons resorting to the countryside.

Duty of public bodies

4.—(1) In exercising functions relating to land under any statutory provision, public bodies shall have regard to the need to conserve the natural beauty and amenity of the countryside and the need to protect (so far as reasonably practicable) flora, fauna and geological and physiographical features of the countryside from any harmful effects which might result from the exercise of such functions.

(2) In paragraph (1) the expression “public bodies” includes government departments, district councils and statutory undertakers, and any trustees, commissioners, board or other persons who, as a public body and not for their own profit, act under any statutory provision for the improvement of any place or the production or supply of any commodity or service.

The Committee for Nature Conservation

Para. (1) rep. by 1989 NI 3

(2) The Committee for Nature Conservation shall—

- (a) exercise the functions conferred on it by this Order; and
- (b) advise the Department on matters relating to nature conservation.

Para. (3) rep. by 1989 NI 3

F2 functions transf. by [1989 NI 3](#)

PART III

AMENITY LANDS

Acquisition and disposal of amenity lands

6.—(1) Where the Department considers that it is expedient to acquire land for the purpose of—

- (a) conserving any area of natural beauty or amenity;
- (b) establishing a nature reserve;
- (c) providing means of access to any area of the kind referred to in sub-paragraphs (a) and (b);
- (d) providing, in or in relation to any such area or any National Park, facilities for the use of that area or Park by the public;
- (e) ^{F3} restoring or improving the appearance of a derelict site or of improving the amenities of the neighbourhood of a derelict site;

the Department may, in accordance with arrangements approved by the Department of Finance and Personnel, acquire such land by agreement (whether by way of purchase, lease or exchange) or otherwise.

(2) ^{F3} Where, for any of the purposes referred to in paragraph (1), the Department desires to acquire otherwise than by agreement any land, the Department may make an order vesting that land in the Department.

(3) ^{F3} Section 97(2) and (3) of, and Schedule 6 to, the Local Government Act (Northern Ireland) 1972 shall apply subject to the modifications specified in Schedule 2 for the purpose of the making of vesting orders under this Article.

(4) ^{F3} Where the Department is of the opinion that any land acquired under this Article would be more expediently or efficiently managed or conserved in the public interest^{F4} by any person] the Department may, in accordance with arrangements approved by the Department of Finance

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985. (See end of Document for details)

and Personnel, convey, either for value or otherwise and upon such terms and conditions as the Department may think fit, that land to^{F4} that person], and may—

- (i) impose such restrictions as the Department may think necessary on the user of the land so conveyed; and
- (ii) grant or reserve such rights over such land as the Department may think fit.

(5^{F3} Without prejudice to paragraph (4), the Department may, in accordance with arrangements approved by the Department of Finance and Personnel, dispose of any land acquired under this Article which the Department no longer requires for any of the purposes referred to in paragraph (1), upon such terms and conditions as the Department may think fit, and may impose restrictions and grant or reserve rights as if the land were conveyed under paragraph (4).

(6^{F3} Nothing in section 5 of the Stormont Regulation and Government Property Act (Northern Ireland) 1933 (which relates to the taking and disposal of land for the public services) shall affect the disposal by the Department of land acquired under this Article.

F3 functions transf. by SR 1999/481

F4 1989 NI 3

Grants and loans to National Trust for acquisition, etc., of amenity lands

7.—(1) The Department may, in accordance with arrangements approved by the Department of Finance and Personnel, make grants (whether by way of endowment or otherwise) or loans to the National Trust for Places of Historic Interest or Natural Beauty towards the cost of—

- (a) acquiring any land for the purpose of—
 - (i) conserving any area of natural beauty or amenity;
 - (ii) establishing a nature reserve;
 - (iii) providing means of access to any area of the kind referred to in heads (i) and (ii);
- (b) improving, maintaining or managing any land so acquired.

(2) Grants and loans under paragraph (1) shall be on such terms and conditions as the Department thinks fit.

Power of Department to enter into agreements or covenants restricting use of land

8.—(1) Where any owner of land in any area, which in the opinion of the Department is one of natural beauty or amenity, is willing to agree with the Department that the land or any part thereof shall, so far as his interest in the land enables him to bind it, be made subject (either permanently or for a specified period) to conditions restricting the use or development thereof in any manner, the Department may if it thinks fit (either for consideration or otherwise) enter into an agreement with him or accept a covenant from him to that effect.

(2) Where an owner entering into an agreement or covenant under paragraph (1) has power to make that agreement or covenant binding upon his successors in title, and the agreement or covenant is expressed to be so binding, the Department shall have power to enforce that agreement or covenant against such successors in the like manner and to the like extent as if the Department were possessed of or entitled to or interested in adjacent land and as if the agreement or covenant had been expressed to be entered into for the benefit of the adjacent land.

(3) The Department may waive (either permanently or temporarily) any condition imposed by an agreement or covenant made under paragraph (1) which is inconsistent with any provision of a development plan or development order under the Planning (Northern Ireland) Order^{F5} 1991].

F5 1991 NI 11

Management agreements with owners and occupiers of land

9^{F6}.—(1) The Department may for the purpose of conserving or enhancing the natural beauty or amenity of any land or promoting its enjoyment by the public, make an agreement (in this Article referred to as a “management agreement”) with any person having an estate in the land, with respect to the management of the land during a specified term or without limitation of the duration of the agreement.

(2) Without prejudice to the generality of paragraph (1), a management agreement—

- (a) may impose restrictions on that person as respects the method of cultivating the land, its use for agricultural purposes or the exercise of rights over the land and may impose obligations on that person to carry out works or agricultural or forestry operations or do other things on the land;
- (b) may contain such incidental and consequential provisions (including provisions for the making of payments by the Department to that person) as appear to the Department to be necessary or expedient for the purposes of the agreement.

(3) The provisions of a management agreement with any person having an estate in the land shall, unless the agreement otherwise provides, be binding on persons deriving title under or from that person and be enforceable by the Department against those persons accordingly.

F6 functions transf. by SR 1999/481

Power of Department to carry out works and provide facilities

10.—(1) The Department may carry out such works or do such other things on land acquired under Article 6^[F7, F8] as the Department thinks necessary or expedient for the proper management and use of that land for the purpose for which that land was acquired.

(2) Where the Department is of the opinion that the facilities on or in relation to land acquired under Article 6 (other than a nature reserve or a derelict site) are inadequate or unsatisfactory, the Department may, in accordance with arrangements approved by the Department of Finance and Personnel, provide or arrange for the provision of, on or in relation to such land, the following facilities—

- (a) accommodation, meals and refreshments;
- (b) camping sites and caravan parks;
- (c) parking places;
- (d) such other facilities for persons using the land as the Department, after consultation with the Ulster Countryside Committee, may think fit.

(3) Where any land of the kind referred to in paragraph (2) is covered by water, the Department may, in accordance with arrangements approved by the Department of Finance and Personnel, provide or arrange for the provision of facilities for the use by the public of the water for recreation.

(4) Where the Department is of the opinion that the facilities on or in relation to a nature reserve^{F8} . . . are inadequate or unsatisfactory, the Department may, in accordance with arrangements approved by the Department of Finance and Personnel, provide or arrange for the provision of, in relation to that reserve^{F8} . . . , the following facilities—

- (a) accommodation;

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985. (See end of Document for details)

- (b) parking places;
 - (c) such other facilities as the Department, after consultation with the Committee for Nature Conservation, may think fit for the purposes of that reserve^{F8}. . . .
- (5) Paragraphs (2) to (4) shall apply in relation to land subject to a covenant or agreement under Article 8, 9 or 17 as they apply in relation to land acquired by the Department under Article 6 if—
- (a) the agreement or covenant so provides; or
 - (b) the owner of the land consents to the Department carrying out works, doing other things, or providing or arranging for the provision of facilities.
- (6) The Department—
- (a) may, in accordance with arrangements approved by the Department of Finance and Personnel, make charges which are in the opinion of the Department reasonable for facilities provided by the Department under this Article;
 - (b) shall ensure that any charges made for facilities provided pursuant to an arrangement made by the Department under this Article are subject to the approval of the Department.

F7 1989 NI 3

F8 2002 NI 7

The Ulster Countryside Committee

Para. (1) rep. by 1989 NI 3

- (2) The functions of the Ulster Countryside Committee shall be—
- (a) advising the Department on matters in respect of which the Department is required to consult the Committee under this Order and on such other matters in connection with this Order as the Department may refer to the Committee;
 - (b) inquiring into and reporting on matters affecting the natural beauty or amenity of any area or place in Northern Ireland.

Para. (3) rep. by 1989 NI 3

F9 functions transf. by 1989 NI 3

PART IV

NATIONAL PARKS AND AREAS OF OUTSTANDING NATURAL BEAUTY

Designation of National Park

12.—(1) Where, in relation to an extensive area of countryside, the Department considers it desirable that measures be taken for the purposes of—

- (a) conserving or enhancing the natural beauty or amenities of that area;
- (b) conserving wildlife, historic objects or natural phenomena therein;
- (c) promoting the enjoyment by the public of the area; and
- (d) providing or maintaining public access to the area;

the Department may by order designate the area as a National Park.

- (2) Part I of Schedule 3 shall apply to orders made under paragraph (1).

(3) The Ulster Countryside Committee shall advise the Department on the establishment and management of National Parks.

(4) Before making any such designation the Department shall consult each district council the whole or part of whose district is within the area to be designated.

Proposals in relation to National Park

13.—(1) The Department may formulate proposals for the achievement, in relation to the area of a National Park, of the purposes referred to in Article 12(1).

(2) Before formulating any proposals under paragraph (1) the Department shall consult the Committee for Nature Conservation and the Ulster Countryside Committee, and each district council the whole or part of whose district is within the area of the National Park.

Areas of outstanding natural beauty

14.—(1) Subject to paragraphs (2) to (4), where the Department considers an area (not being an area within a National Park) to be of such outstanding natural beauty that it is desirable that the provisions of this Article should apply to the area, the Department may make an order designating it as an area of outstanding natural beauty.

(2) Where the Department proposes to make an order under paragraph (1), the Department—

(a) shall consult—

(i) the Ulster Countryside Committee, and

(ii) every district council whose district includes any part of the area to which the proposed order is to relate; and

(b) shall then, before making the order, publish in the Belfast Gazette and in two newspapers circulating in the district of every such district council, a notice indicating—

(i) that it proposes to make the order,

(ii) the effect of the order, and

(iii) the time within which, and the manner in which, representations concerning the order may be made to the Department.

(3) The Department shall consider any representations made to it concerning the making of an order under paragraph (1).

(4) Where an order is made under paragraph (1), the Department shall secure that copies of the order are available for inspection at all reasonable times by members of the public—

(a) at the offices of every district council referred to in paragraph (2)(a)(ii); and

(b) at such other places in or near that area as the Department may determine.

(5) Subject to paragraph (6), the Department may, in relation to an area designated by order under paragraph (1), formulate proposals for—

(a) conserving or enhancing the natural beauty or amenities of that area;

(b) conserving wildlife, historic objects or natural phenomena within it;

(c) promoting its enjoyment by the public;

(d) providing or maintaining public access to it.

(6) Before formulating any proposals under paragraph (5), the Department shall consult the bodies mentioned in paragraph (2)(a) and the Committee for Nature Conservation.

PART V

NATURE RESERVES

Advice and consultations on nature reserves

15.—(1) The Committee for Nature Conservation shall advise the Department on the establishment and management of nature reserves.

(2) Where the Department proposes to establish a nature reserve on any land which lies wholly or partly within the district of a district council, the Department shall consult that council before—

- (a) acquiring the land under Article 6; or
- (b) entering into any agreement or covenant under Article 8 or 17 in relation to that land.

Declarations in relation to nature reserves

16.—(1) The Department may declare that any land—

- (a) acquired under Article 6^[F10], 24 or 25] or under^[F11] Article 41 of the Environment (Northern Ireland) Order 2002] section 1 of the Amenity Lands Act (Northern Ireland) 1965; or
- (b) in relation to which an agreement or covenant has been entered into under Article 8 or 17 or under section 2 or 2A of that Act;

is established and is being managed as a nature reserve.

(2) Where the Department has made a declaration under paragraph (1) in relation to any land and the Department is satisfied—

- (a) that the land has ceased to be managed as a nature reserve; or
- (b) that the agreement or covenant under Article 8 or 17 or under section 2 or 2A of the Amenity Lands Act (Northern Ireland) 1965 has ceased to be in force;

the Department shall declare that the land is no longer being managed as a nature reserve.

(3) Any declaration under paragraph (1) or (2) shall be conclusive evidence of the matters therein declared.

(4) The Department shall give notice of any declaration under this Article in such manner as appears to the Department best suited for informing persons concerned.

F10 1989 NI 3

F11 2002 NI 7

Agreements for management of land as nature reserve

17.—(1) The Department may enter into an agreement with any person having an estate in any land which in the opinion of the Department should be managed as a nature reserve, for securing that it is so managed.

(2) An agreement under paragraph (1) may impose such restrictions as may be expedient on the exercise of rights over the land by persons who can be bound by the agreement.

(3) An agreement under paragraph (1)—

- (a) may provide for the management of the land in such manner, the carrying out thereon of such work, and the doing thereon of such other things as may be expedient for the purposes of the agreement;

- (b) may provide for any of the matters mentioned in^{F12} sub-paragraph (a)] being carried out, or for the cost thereof being defrayed, either by the said owner or other persons, or by the Department, or partly in one way and partly in another;
 - (c) may contain such other provisions as to the making of payments by the Department, and, in particular, for the payment by it of compensation for the effect of the restrictions mentioned in paragraph (2), as may be specified in the agreement.
- (4) Where a person having an estate in any land, by such an agreement as is mentioned in paragraph (1) grants or agrees to grant any right as respects the land, the grant or agreement shall be binding upon any person deriving title or otherwise claiming under the grantor to the same extent as it is binding upon the grantor notwithstanding that it would not have been binding upon that person apart from this paragraph.
- (5) An agreement under paragraph (1) may be made irrevocably or subject to such provisions for revocation or variation as may be specified in the agreement.
- (6) Paragraph (3) of Article 8 shall apply in relation to an agreement under paragraph (1) as it applies in relation to an agreement under paragraph (1) of that Article.

F12 1989 NI 3

National nature reserves

- 18.**—(1) Where the Department is satisfied that any land which—
- (a) is being managed as a nature reserve under an agreement entered into with the Department;
 - (b) is held by the Department and is being managed by it as a nature reserve; or
 - (c) is held by an approved body and is managed by that body as a nature reserve,
- is of national importance, the Department may declare that land to be a national nature reserve.
- (2) Paragraphs (2) to (4) of Article 16 shall apply in relation to a declaration under paragraph (1) as they apply to a declaration under paragraph (1) of that Article.
- (3) In this Article “approved body” means a body approved by the Department for the purposes of this Article.

Byelaws for protection of nature reserves

- 19.**—(1) Subject to this Article, the Department may make byelaws for the protection of any nature reserve, not being a nature reserve provided under Article 22 by a district council, in relation to which a declaration under Article 16(1) or Article 18(1) is in force.
- (2) Without prejudice to paragraph (1), byelaws under this Article may—
- (a) provide for prohibiting or restricting the entry into, or movement within, the nature reserve of persons, vehicles, boats and animals;
 - (b) prohibit or restrict the killing, taking, molesting or disturbance of living creatures of any description in the nature reserve, the taking, destruction or disturbance of eggs, larvae or other immature stage, of any such creature, the taking of, or interference with, vegetation of any description in the nature reserve, or the doing of anything therein which will interfere with the soil or damage any object in the reserve;
 - (c) prohibit or restrict the shooting of birds or of birds of any description within such area surrounding or adjoining the nature reserve (whether the area be of land or of sea) as is requisite for the protection of the nature reserve;
 - (d) regulate or prohibit the taking away of soil, turf, sand or minerals of any description;

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985. (See end of Document for details)

- (e) prohibit or restrict, or provide for prohibiting or restricting, the lighting of fires in the nature reserve, or the doing of anything likely to cause fire in the nature reserve; and
 - (f) provide for the issue, on such terms and subject to such conditions as may be specified in the byelaws, of permits authorising entry into the nature reserve or the doing of anything therein which would otherwise be unlawful, whether under the byelaws or otherwise.
- (3) Before making byelaws under this Article the Department shall consult the Committee for Nature Conservation.
- (4) The Department shall not make byelaws as respects any land declared to be a national nature reserve under Article 18(1)(c) except on the application of the approved body concerned.
- (5) Byelaws under this Article shall not interfere with the exercise by any person of a right vested in him as owner, lessee or occupier of land in a nature reserve or with the exercise of any public right of way or of any statutory functions of any local or public authority in relation to any such land.
- (6) Where the exercise of any right vested in a person by reason of his being entitled to any estate in land is prevented or hindered by virtue of byelaws made under paragraph (2)(c), he shall be entitled to receive from the Department in respect thereof compensation calculated by reference to the depreciation of the value of that estate in land.
- (7) Any dispute arising on a claim for compensation under paragraph (6) shall, in the absence of agreement be referred to and determined by the Lands Tribunal.
- (8) In this Article “approved body” has the meaning given in Article 18(3).

Modifications etc. (not altering text)

- C1** Art. 19(5) modified (1.4.2007) by [Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 1\)\)](#), arts. 1(2), 308, **Sch. 12 para. 21(1)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

Marine nature reserves

20.—(1) Where, in the case of any land covered (continuously or intermittently) by tidal waters or parts of the sea^{F13} which are landward of the baselines from which the breadth of the territorial sea adjacent to Northern Ireland is measured or are seaward of those baselines up to a distance of three nautical miles], it appears to the Secretary of State expedient that the land and waters covering it should be managed by him for the purpose of—

- (a) conserving marine flora fauna or features of geological, physiographical or other scientific or special interest in the area; or
- (b) providing, under suitable conditions and control, special opportunities for the study of, and research into, matters relating to marine flora and fauna and the physical conditions in which they live, or for the study of features of geological, physiographical or other scientific or special interest in the area,

the Secretary of State may by order designate the area comprising that land and those waters as a marine nature reserve; and the Secretary of State shall manage any area so designated for either or both of those purposes.

(2) Part I of Schedule 3 shall apply to orders made under paragraph (1), subject to the modifications set out in Part II of that Schedule.

(3) The powers exercisable by the Secretary of State for the purpose of managing an area designated as a marine nature reserve under this Article shall include power to install markers indicating the existence and extent of the reserve.

(4) Nothing in this Article or in byelaws made under Article 21 shall interfere with the exercise of any functions of a relevant body, any functions conferred by or under a statutory provision (whenever made) or any right of any person (whenever vested).

(5) The Committee for Nature Conservation shall advise the Secretary of State on the establishment and management of marine nature reserves.

(6) In this Article—

[^{F13}“nautical miles” means international nautical miles of 1,852 metres;]

“relevant body” means—

- (a) [^{F14}the Foyle, Carlingford and Irish Lights Commission,]
 - (b) a district council,
 - (c) a harbour authority as defined by the Harbours Act (Northern Ireland) 1970,
 - (d) the [^{F15}Department of Culture, Arts and Leisure] ,
 - (e) ^{F16}
- Sub-para. (f) rep. by 1987 c. 21*
- (g) [^{F17}a water undertaker or a sewerage undertaker]

F13 1987 c. 49

F14 Words in art. 20(6) substituted (1.6.2008) by *Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9))*, arts. 1(3), 34(1), **Sch. 2 para. 5(a)** (with art. 32); S.R. 2008/232, **art. 2**, Sch.

F15 Words in art. 20(6) substituted (1.6.2009) by virtue of *Public Authorities (Reform) Act (Northern Ireland) 2009 (c. 3)*, ss. 1(3)(b), 7(1), **Sch. 1 Pt. 2 para. 8** (with Sch. 1 Pt. 1 para. 4(3)); S.R. 2009/172, **art. 2(b)**

F16 Words in art. 20(6) repealed (1.6.2008) by virtue of *Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9))*, arts. 1(3), 34, Sch. 2 para. 5(b), **Sch. 3** (with art. 32); S.R. 2008/232, **art. 2**, Sch.

F17 Words in art. 20(6) added (1.4.2007) by *Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21))*, arts. 1(2), 308, **Sch. 12 para. 21(2)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

Byelaws for protection of marine nature reserves

21.—(1) Subject to this Article, the Secretary of State may make byelaws for the protection of any area designated as a marine nature reserve under Article 20.

(2) Without prejudice to the generality of paragraph (1), byelaws made under this Article as respects a marine nature reserve—

- (a) may provide for prohibiting or restricting, either absolutely or subject to any exceptions—
 - (i) the entry into, or movement within, the reserve of persons and vessels;
 - (ii) the killing, taking, destruction, molestation or disturbance of animals or plants of any description in the reserve, or the doing of anything therein which will interfere with the sea bed or damage or disturb any object in the reserve; or
 - (iii) the depositing of rubbish in the reserve;
- (b) may provide for the issue, on such terms and subject to such conditions as may be specified in the byelaws, of permits authorising entry into the reserve or the doing of anything which would otherwise be unlawful under the byelaws; and

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985. (See end of Document for details)

- (c) may be so made as to apply either generally or with respect to particular parts of the reserve or particular times of the year.
- (3) Before making byelaws under this Article the Secretary of State shall consult the Committee for Nature Conservation.
- (4) Nothing in byelaws made under this Article shall—
 - (a) prohibit or restrict the exercise of any right of passage by a vessel other than a pleasure boat; or
 - (b) prohibit, except with respect to particular parts of the reserve at particular times of the year, the exercise of any such right by a pleasure boat.
- (5) Nothing in byelaws so made shall make unlawful—
 - (a) anything done for the purpose of securing the safety of any vessel, or of preventing damage to any vessel or cargo, or of saving life;
 - (b) the discharge of any substance from a vessel; or
 - (c) anything done more than 30 metres below the sea bed.
- (6) In this Article “vessel” includes a hovercraft and any aircraft capable of landing on water and “pleasure boat” shall be construed accordingly.
- (7) References in this Article to animals or plants of any description include references to eggs, seeds, spores, larvae or other immature stages of animals or plants of that description.

Powers of district councils

- 22.**—(1) A district council may provide nature reserves on any land in its district (not being land held by, or the subject of an agreement or covenant entered into by the Department, under this Part), where it appears to the council expedient that the land should be managed for such purposes.
- (2) A district council may acquire land by agreement for the purposes of paragraph (1).
- (3) Where a district council provides a nature reserve under paragraph (1), the council may make byelaws for the protection of the nature reserve, and paragraphs (2) and (3) of Article 19 shall have effect in relation to byelaws made under this paragraph as if for references to the Department there were substituted references to a district council.
- (4) District councils shall exercise their functions under this Article in consultation with the Committee for Nature Conservation.
- (5) In this Article the expression “provide” shall be construed in accordance with section 147(a) of the Local Government Act (Northern Ireland) 1972.

PART VI (Arts. 23—27) rep. by 2002 NI 7

PART VII

DERELICT SITES

Derelict sites

- 28.**—(1) The Department may, in accordance with arrangements approved by the Department of Finance and Personnel, grant to the owner of a derelict site a sum not exceeding one-half of any expenditure which the owner may incur with the prior approval of the Department for the purpose of restoring, or improving the appearance of, the site.

(2) The Department may, with the consent of the owner of a derelict site, arrange with a voluntary body to assist that owner to restore, or improve the appearance of, the site.

(3) The Department may, in accordance with arrangements approved by the Department of Finance and Personnel, make a contribution towards any expenses which a voluntary body may incur in providing assistance under paragraph (2).

(4) In relation to a derelict site acquired under Article 6 the Department may agree with a district council in whose district the site is situate that—

- (a) the council shall carry out such work as appears to the Department to be necessary to restore, or improve the appearance of, the site; and
- (b) the expenses of the council in carrying out work of the kind referred to in sub-paragraph (a) shall be defrayed by the Department.

PART VIII

GENERAL

Financial assistance

29^{F18}.—(1) Subject to paragraph (2), the Department, in accordance with arrangements approved by the Department of Finance and Personnel, may—

- (a) make grants to any body of persons (not being a body carried on for profit) having among its objects the conservation of wildlife or of the countryside;
- (b) give financial assistance by way of grant or loan, or partly in one way and partly in the other, to any person in respect of expenditure incurred by him in doing anything which, in the opinion of the Department is conducive to the attainment of any of the purposes of this Order.

(2) On making a grant or loan under paragraph (1)(b) the Department may impose such conditions as it thinks fit including (in the case of a grant) conditions for repayment in specified circumstances.

F18 functions transf. by SR 1999/481

Byelaws

30.—(1) Without prejudice to Article 19, the Department may, as respects land—

- (a) acquired under Article 6^[F19, F20 . . .] or under section 1 of the Amenity Lands Act (Northern Ireland) 1965; or
- (b) subject to an agreement or covenant under Article 8, 9 or 17 or under section 2 or 2A of that Act, where the agreement or covenant so provides;

make byelaws providing for the prevention of damage to such land and for securing that persons resorting thereto will so behave themselves as to avoid undue interference with the enjoyment of the land by other persons.

(2) Where the Department conveys land to a district council under Article 6(4), the council may make byelaws as respects that land for the purposes set out in paragraph (1).

(3) Without prejudice to the generality of paragraph (1) or (2), byelaws under this Article—

- (a) may prohibit or restrict the use of the land, either generally or in a manner specified in the byelaws, by traffic of any description so specified;

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985. (See end of Document for details)

- (b) may prohibit or restrict, either generally or in a manner specified in the byelaws, the use of mechanically-propelled vessels on watercourses in, or whose shores lie within, any such land; and
 - (c) may regulate or prohibit the lighting of fires on the land;
 - (d) where a camping site, caravan park or parking place is provided under Article 10, may provide for the use of that site, park or place under such conditions as may be specified in the byelaw; and
 - (e) may regulate or prohibit the taking away of soil, turf, sand or minerals of any description from the land.
- (4) Before making byelaws under this Article the Department or, as the case may be, a district council shall consult—
- (a) the Ulster Countryside Committee, where the Department or the district council is of the opinion that the proposed byelaws would affect matters relating to the natural beauty or amenity of the land; and
 - (b) the Committee for Nature Conservation, where the Department or the district council is of the opinion that the proposed byelaws would affect matters relating to nature conservation.
- (5) Byelaws under this Article shall not interfere with the exercise by any person of a right vested in him as owner, lessee or occupier of any land of the kind referred to in paragraph (1) or with the exercise of any public right of way or of any statutory functions of any local or public authority in relation to any such land.
- (6) In this Article “watercourse” includes tidal and coastal waters, rivers, canals, lakes and reservoirs.

F19 1989 NI 3

F20 2002 NI 7

Modifications etc. (not altering text)

C2 Art. 30(5) modified (1.4.2007) by [Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S.I. 2006/3336 \(N.I. 21\)\)](#), arts. 1(2), 308, **Sch. 12 para. 21(1)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

Enforcement of byelaws

31.—(1) The Department or, as the case may be, the Secretary of State, may authorise persons appointed or employed to enforce byelaws made under Articles 19, 21 and 30 and to take all steps and do all acts and things, necessary for that purpose.

(2) In particular, any person authorised under paragraph (1) may, after due warning, remove or exclude a person from any land to which a byelaw made under Article 19, 21 or 30 applies who commits, or whom he reasonably suspects of committing, an offence against any such byelaw.

(3) A person who—

- (a) commits an offence against any byelaw made under Article 19, 21 or 30; or
- (b) obstructs any person authorised under paragraph (1);

shall be guilty of an offence under this Order, and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Matters with regard to which functions of authorities to be exercised

32.—(1) It shall be the duty of the Department, the Ulster Countryside Committee, the Committee for Nature Conservation and any other body having functions under this Order, in the exercise of such functions, to have due regard to the needs of agriculture, forestry and fisheries.

(2) In the exercise of its functions under this Order the Department shall have due regard to any representations made to it by the Department of Agriculture on behalf of persons engaged in agriculture, forestry or fisheries.

Matters to be registered in Statutory Charges Register

33. The following matters, namely—

- (a) any agreement or covenant under Article 8(1), or any waiver relating thereto;
- (b) any management agreement under Article 9;
- (c) any agreement under Article 17 for the management of land as a nature reserve, or any waiver relating thereto;

Para.(d) rep. by 2002 NI 7

Para.(e) rep. by 2002 NI 7

shall be registered in the Statutory Charges Register.

Article 34—Amendments and repeals

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985. (See end of Document for details)

SCHEDULES

Schedule 1 rep. by 1989 NI 3

SCHEDULE 2

Articles 6(3) and 25(5).

MODIFICATIONS OF SCHEDULE 6 TO LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972 FOR PURPOSES OF ARTICLES 6(3) AND 25(5)

1. References to the Department or to the council shall be construed as references to the Department within the meaning of this Order.
2. References to Schedule 6 to the Local Government Act (Northern Ireland) 1972 shall be construed as references to that Schedule as modified by this Schedule.
3. Omit paragraph 1.
4. In paragraph 2—
 - (a) for the words from the beginning to “directs” substitute “ Where the Department proposes to acquire land otherwise than by agreement, it shall give notice of its intention to do so, and such notice ”;
 - (b) in sub-paragraph (c) for the words “as may be prescribed” substitute the words “ as the Department considers fit ”.
5. In paragraph 3(1)(ii) for the word “refuse” substitute “ decide not ”.
6. In paragraph 4 omit the words from “and may provide” onwards.
7. In paragraph 5—
 - (a) in sub-paragraph (1)(a) omit the words “in the prescribed form and manner”;
 - (b) in sub-paragraph (1)(b) the two references to the said Act of 1972 shall be construed as references to this Order;
 - (c) in sub-paragraph (1)(d) omit the words “in the prescribed form”;
 - (d) in sub-paragraph (2) for the words “as may be prescribed” substitute the words “ as the Department considers fit ”.
8. In paragraph 6(2) for the words “fund out of which the expenses of the council in acquiring the land are to be defrayed” substitute the words “ Consolidated Fund ” and for the words “out of the Compensation Fund” there shall be substituted the words “ made by the Department ”.
9. In paragraph 11(3) omit the words “in the prescribed form”.
10. In paragraph 12—
 - (a) in sub-paragraph (1) omit the words “such” and “as may be prescribed”;
 - (b) in sub-paragraph (2) for the words from “clerk” to “directs” substitute the words “ Department as correct, and publish ”.

11. In paragraph 14(1) omit the words “in the prescribed form”.
12. In paragraph 15(1) for the words “in the prescribed form” substitute the words “ in such form as may be approved by the Department ”.
13. Omit paragraph 19.
14. Omit paragraph 20(2).

SCHEDULE 3

Articles 12(2) and 20(2).

PROVISIONS AS TO DESIGNATION ORDERS UNDER ARTICLES 12(2) AND 20(2)

PART I

ORDERS DESIGNATING NATIONAL PARKS

1.—(1) Before the Department makes an order designating a National Park, the Department shall prepare a draft of that order and shall give notice—

- (a) stating the proposal to make the order and the effect thereof;
- (b) naming a place or places in the locality to which the draft relates where a copy of the draft and of any map referred to therein may be inspected; and
- (c) specifying the time (not being less than 28 days) within which, and the manner in which, representations or objections with respect to the draft may be made.

(2) The notice to be given under paragraph (1) shall be given by publication in the Belfast Gazette and in two newspapers circulating in the area to which the draft order relates.

2.—(1) If no representations or objections are duly made, or if any so made are withdrawn, the Department shall make the order.

(2) If any representation or objection duly made is not withdrawn, the Department shall, before making the order, if the objection is made by a district council, cause a local inquiry to be held and in any other case either—

- (a) cause a local inquiry to be held, or
- (b) afford to any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Department for the purpose,

and after considering the report of the person appointed to hold the inquiry or to hear representations or objections, may make the order with or without modifications.

(3) Notwithstanding anything in sub-paragraph (2), the Department shall not make an order so as to affect land not affected by a draft order except after—

- (a) giving notice, by publication in the Belfast Gazette and in two newspapers circulating in the area to which the proposal relates, the proposal so to modify the draft order, specifying the time (not being less than 28 days) within which, and the manner in which, representations or objections with respect to the proposal may be made;
- (b) holding a local inquiry, or affording to any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Department for the purpose; and

Status: Point in time view as at 01/06/2009.

Changes to legislation: There are currently no known outstanding effects for the The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985. (See end of Document for details)

(c) considering the report of the person appointed to hold the inquiry or to hear representations or objections, as the case may be.

(4) If, as the result of any representations or objections considered, or inquiry or other hearing held, in connection with an order designating a National Park, the Department is of the opinion that the Ulster Countryside Committee, a district council or any other person ought to be consulted before the Department makes the order, the Department shall consult the said Committee, council or other person but, subject to the provisions of sub-paragraph (3), shall not be under any obligation to consult any other person, or to afford any opportunity for further representations or objections or to cause any further inquiry or other hearing to be held.

3. As soon as may be after an order has been made the Department shall publish, in the Belfast Gazette and in two newspapers circulating in the area to which the order relates, a notice describing the effect of the order, stating that the order has been made, and naming a place where a copy thereof may be inspected at all reasonable hours.

PART II

MODIFICATION OF PART I FOR PURPOSES OF ORDERS DESIGNATING MARINE NATURE RESERVES

4.—(1) References to the Department shall be construed as references to the Secretary of State.

(2) References to National Parks shall be construed as references to marine nature reserves.

5. Paragraph 1 shall have effect as if at the end there were added—

“(3) The Secretary of State shall, not later than the date on which the notice referred to in paragraph (1) is published in the Belfast Gazette, serve a copy of—

- (a) the notice,
- (b) a draft of the order, and
- (c) any relevant map or plan,

on the following—

- (i) the Crown Estate Commissioners,
- (ii) any relevant body (within the meaning of Article 20(6)) in whose area the land to which the draft Order relates is situated.”

6. Paragraph 2 shall have effect as if for sub-paragraph (4) there were substituted—

“(4) Paragraph 1(3) shall apply to a notice given under sub-paragraph (3)(a).” .

Schedule 4—Amendments

Schedule 5—Repeals

Status:

Point in time view as at 01/06/2009.

Changes to legislation:

There are currently no known outstanding effects for the The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985.