

SCHEDULES

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2.—(1) If no representations or objections are duly made, or if any so made are withdrawn, the Department shall make the order.

(2) If any representation or objection duly made is not withdrawn, the Department shall, before making the order, if the objection is made by a district council, cause a local inquiry to be held and in any other case either—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- (b) afford to any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Department for the purpose,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holding a local inquiry, or affording to any person by whom any representation or objection has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Department for the purpose; and
- (c) considering the report of the person appointed to hold the inquiry or to hear representations or objections, as the case may be.

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985, SCHEDULE 3. (See end of Document for details)

(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).” .

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

There are currently no known outstanding effects for the The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985, SCHEDULE 3.