

1985 No. 152

**ACCESS TO THE COUNTRYSIDE****Access to the Countryside (Amendment) Regulations  
(Northern Ireland) 1985***Made* . . . . . 26th June 1985*Coming into operation* . . . . . 5th August 1985

The Department of the Environment in exercise of the powers conferred by Articles 14(3) and 29(4) of, and paragraph 4 of Schedule 1 to, the Access to the Countryside (Northern Ireland) Order 1983(a) and of every other power enabling it in that behalf, hereby makes the following regulations:

*Citation and commencement*

1. These regulations may be cited as the Access to the Countryside (Amendment) Regulations (Northern Ireland) 1985 and shall come into operation on 5th August 1985.

*Interpretation*

2. In these regulations “the principal regulations” means the Access to the Countryside Regulations (Northern Ireland) 1984(b).

*Amendment*

3. The principal regulations shall be amended—

- (a) by substituting for Form No. 2 in Schedule 1 to the principal regulations the form in Part I of the Schedule;
- (b) by substituting for the form in Schedule 2 to the principal regulations the form in Part II of the Schedule;
- (c) by substituting for Form No. 4 in Schedule 3 to the principal regulations the form in Part III of the Schedule.

Sealed with the Official Seal of the Department of the Environment on 26th June 1985.

(L.S.)

*J. J. O. McClenahan*

Assistant Secretary

(a) S.I. 1983/1895 (N.I. 18)

(b) S.R. 1984 No. 342

## SCHEDULE

FORM No. 2

## PART I

## PUBLIC PATH EXTINGUISHMENT ORDER

## Access to the Countryside (Northern Ireland) Order 1983

(Name of order-making Authority)

*(Title of Order)*

[Whereas it appears to the (name of District Council) that it is expedient that the public path to which this order relates should be closed [on the ground that it is not needed for public use] [having regard to the extent to which (here specify the relevant Public Path Creation/Diversion Order) would provide an alternative path];

[Whereas the Department of the Environment for Northern Ireland is satisfied that the public path to which this order relates must necessarily be extinguished to enable development to be carried out [in accordance with planning permission] [by a government department];

[And whereas the (name of District Council) has consulted the Department and other appropriate bodies in pursuance of Article 18(1) of the Access to the Countryside (Northern Ireland) Order 1983 (hereinafter called "the Order"), [and (name of consenting District Council or Councils) [has], [have] consented to the extinguishment of this path which lies partly within [its district] [their districts];]

Now therefore the (name of order-making authority) in exercise of the powers conferred on it by [Article 14] [Article 16] of the Order and of every other power enabling it in that behalf hereby makes the following order:—

1. The public right-of-way over the land described in the Schedule, and shown coloured brown on the map annexed shall be extinguished at the expiration of \_\_\_\_\_ days from the date of confirmation of this order.

[2. Notwithstanding anything contained in this order (name of statutory undertaker) shall have the following rights over the land referred to in paragraph 1, namely:—

[3. (Provisions regarding expenses in terms of Article 18(5) of the Order)].

4. This order may be cited as the (name of order-making authority and name or reference of path) Public Path Extinguishment Order 19

Date

(Authenticate in the manner appropriate to the order-making authority.)

## SCHEDULE

## Description of Land

(Describe position, length and width of path in sections, e.g., A-B, B-C, etc., as indicated on map )

NOTE: Omit the words in square brackets where inappropriate.

## PART II

## ACCESS ORDER

## Access to the Countryside (Northern Ireland) Order 1983

(Name of District Council)

*(Title of Order)*

Whereas Part III of the Access to the Countryside (Northern Ireland) Order 1983, (hereinafter referred to as "the Order") makes provision for enabling the public to have access for open air recreation to open country to which the provisions of Article 26 of the Order are applied by an access order made under the said Part III;

Now therefore (name of District Council), (hereinafter referred to as "the Council") in pursuance of the powers conferred on it by Article 29 of the Order and other powers enabling it in that behalf hereby makes the following order:

1. The provisions of Article 26 of the Order shall apply to the land, the boundaries of which are described in Schedule 1 and delineated by the outer edge of the green line on the map[s] annexed and the land so bounded is hereafter referred to as "the land comprised in the order"; provided that the land delineated by the outer edge of a green line and hatched by green vertical hatching on the said map[s] is excepted land as defined in Article 26(5) of and Schedule 3 to the Order.

2. (i) The rights conferred on the public by virtue of this order shall, as respects the areas delineated by the outer edge of a green line and dotted green on the map[s] annexed, be subject to the restrictions specified in Schedule 2 during such periods as are specified in the said Schedule.

(ii) The Council may, by resolution, impose such further restrictions for the prevention of damage, safety of the public, protection of domestic animals and the preservation of wildlife as may be specified in the resolution and shall take such steps as they may consider necessary by advertisement or notice boards or otherwise to give the public notice of such restrictions provided that such restrictions shall not in any event be operated for more than 2 years from the date of the resolution.

3. The provisions set out in Schedule 3 shall apply in pursuance of Article 32 of the Order for providing sufficient means of access to the land comprised in the order.

4. This order may be cited as the (name of District Council and name or reference of the land comprised in the order) Access Order 19

Date

(Authenticate in the manner appropriate to the District Council)

## SCHEDULE 1

Verbal descriptions of boundaries of land comprised in the order.

## SCHEDULE 2

Details of restrictions imposed by the order.

Col. 1	Col. 2	Col. 3
(Indicate areas to which restrictions are applicable — areas 3, 4, 5, etc.).	(Indicate nature of restriction, e.g., public excluded during periods referred to in Col. 3 at all times and reasons for restrictions, e.g., lambing seasons, shooting season, preservation of rare bird).	(Indicate period of restrictions, e.g., from — to in each year: during such periods as the Council may direct).

SCHEDULE 3

Details of provisions made under Article 32.

PART III

FORM No. 4

NOTICE OF CONFIRMATION OF ACCESS ORDER

Access to the Countryside (Northern Ireland) Order 1983

(Name of District Council)

(Title of Order)

\*To (insert name and address of owner, occupier, or lessee, as the case may be).

Whereas bye-laws have been made by the [(name of District Council) and confirmed by the Department of the Environment under Article 46 of the above Order on the 19 ] [Department of the Environment under Article 47 of the above Order on the 19 ] in respect of the land described in the above order [for the prevention of damage to that land] [and] [for securing that persons resorting there will so behave themselves as to avoid undue interference with the enjoyment of the land by other persons;]

Notice is hereby given that on 19 , the Department of the Environment confirmed [with modifications] the above order.

The effect of the order as confirmed is to enable the public to have access for open-air recreation to certain areas of open country in the Townland[s] of in the District[s] of

A copy of the order as confirmed and of the map contained in it [is enclosed for your information in accordance with Schedule 1 paragraph 4(2) of the above Order] [has been deposited at and may be inspected free of charge during office hours]. Copies of the order may be obtained at a charge of (specify amount per copy).

\*Any person who wishes to claim compensation for depreciation or damage in consequence of the coming into operation of the order in accordance with Articles 35, 36, 37, 38 and 49 of the above Order should do so within the time and in the manner prescribed therein. A copy of the Access to the Countryside (Northern Ireland) Order 1983 may be obtained from the Government Bookshop, 80 Chichester Street, Belfast BT1 4JY.

The Order is also available for inspection at the offices of (District Council).

The order becomes operative as from 19 , but any person aggrieved by the order who desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of the above Order or on the ground that any requirement of that Order or of any regulation made thereunder has not been complied with in relation thereto, may, within 6 weeks from [date on which this notice is first published], make an application for the purpose to the County Court.

Date:

(Signature and designation of authorised officer)

NOTES: \*Insert only in a notice to be served. Omit the words in square brackets where inappropriate.

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations substitute revised forms of public path extinguishment order, access order and notice of confirmation of access order.

In the new form of public path extinguishment order the first recital is altered.

In the new form of access order paragraph 2(ii) of the previous form has been altered and provisos (b) and (c) thereto have been deleted.

In the new form of notice of confirmation of access order a new recital has been inserted at the beginning relating to the prior making and confirmation of bye-laws under Article 46 and the making of bye-laws under Article 47 of the Access to the Countryside (Northern Ireland) Order 1983.