2011 CHAPTER 15

Areas of special scientific interest

Effect of failure to serve certain notices in connection with ASSI

34 After Article 48 of the Environment Order insert—

"**Effect of failure to serve certain notices**

48A.—(1) This Article applies where the Department—

(a) has (whether before or after the commencement of this Article) taken all reasonable steps to ensure that, under any provision listed in paragraph (2), notice is served on every owner and occupier of any land to which the notice relates, but

(b) has failed to do so.

(2) The provisions are—

(a) Article 28(3)(b) (declaration of ASSI);

(b) Article 28(6)(c) (confirmation or rescission of declaration of ASSI);

(c) Article 29(3)(b) (variation of ASSI);

(d) Article 29(5)(c) (confirmation or rescission of variation of ASSI);

(e) Article 30(4)(b) (declaration of additional land to be included in ASSI);

(f) Article 30(7)(c) (confirmation or rescission of declaration of additional land);

(g) Article 31(1)(b) (denotification);

(h) Article 31(4)(c) (confirmation or rescission of denotification).

(3) The validity of the notice is not affected by the failure to serve it on every owner and occupier of the land.

(4) For the purposes of this Part, the time when the notice is to be treated as having been served is the time when the Department took the last of the steps referred to in paragraph (1)(a).

(5) If the Department becomes aware of its failure to serve a notice on an owner or occupier, it must serve a copy of the notice on that owner or occupier.

(6) Nothing in paragraph (3) or (4) renders the owner or occupier liable—

(a) in relation to anything done or omitted to be done before the coming into operation of this Article, or

(b) under Article 46(1) or 46A(4) in relation to anything done or omitted to be done before the copy of any relevant notice is served under paragraph (5).”.

Changes to legislation:
There are currently no known outstanding effects for the Wildlife and Natural Environment Act (Northern Ireland) 2011, Section 34.