
STATUTORY INSTRUMENTS

1985 No. 170

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

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^[F1], 24 or 25] or under^[F2] 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.

F1 1989 NI 3

F2 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^{F3} 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.

F3 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;
 - (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^{F4} 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

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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—

[^{F4}“nautical miles” means international nautical miles of 1,852 metres;]

“relevant body” means—

(a) [^{F5}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 [^{F6}Department of Culture, Arts and Leisure] ,

(e) ^{F7}.....

Sub-para. (f) rep. by 1987 c. 21

(g) [^{F8}a water undertaker or a sewerage undertaker]

F4 1987 c. 49

F5 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.

F6 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)**

F7 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.

F8 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
 - (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.

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