

## 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

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(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.

## <sup>F1</sup>PART II

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

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<b>F1</b> Sch. 3 Pt. II repealed (18.9.2013) by Marine Act (Northern Ireland) 2013 (c. 10), ss. 40(1)(a)(iii), 49 (with ss. 1(1), 46(3), 47)
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*Schedule 4—Amendments*

*Schedule 5—Repeals*

**Changes to legislation:**

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