STATUTORY INSTRUMENTS

1989 No. 492 (N.I. 3)

The Nature Conservation and Amenity Lands (Amendment) (Northern Ireland) Order 1989

- - - - - - *15th March 1989*

Introductory

Title and commencement N.I.

1. This Order may be cited as the Nature Conservation and Amenity Lands (Amendment) (Northern Ireland) Order 1989 and shall come into operation on the expiration of 2 months from the day on which it is made.

Interpretation N.I.

2.—(1) The Interpretation Act (Northern Ireland) 1954[F1] shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"the Department" means the Department of the Environment;

"the Nature Conservation and Amenity Lands Order" means the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985

[F2]"statutory provision" has the meaning assigned to it by section 1(*f*) of the Interpretation Act (Northern Ireland) 1954;

"transfer date" means the date on which this Order comes into operation;

"transferor" and "transferee" respectively mean, in relation to any functions transferred under this Order, the committee from and the council to which the functions are transferred.

F1 1954 c. 33 (N.I.)
F2 1985 NI 1

The Council for Nature Conservation and the Countryside

Council for Nature Conservation and the Countryside N.I.

3.—(1) There shall be established a council, to be known as the "Council for Nature Conservation and the Countryside".

(2) The constitution of the Council for Nature Conservation and the Countryside shall be as provided in that behalf in Part I of the Schedule, and the supplementary provisions contained in Part II of the Schedule shall have effect with respect to that Council.

Functions of the Council for Nature Conservation and the Countryside N.I.

4.—(1) The functions which, immediately before the transfer date, are exercisable by the Committee for Nature Conservation established under Article 5 of the Nature Conservation and Amenity Lands Order are hereby transferred to the Council for Nature Conservation and the Countryside.

(2) The functions which, immediately before the transfer date, are exercisable by the Ulster Countryside Committee referred to in Article 11 of the Nature Conservation and Amenity Lands Order are hereby transferred to the Council for Nature Conservation and the Countryside.

(3) Without prejudice to paragraphs (1) and (2), the Council for Nature Conservation and the Countryside shall—

(a) advise the Department on the payment of grants under Article 29(1)(*a*) of the Nature Conservation and Amenity Lands Order;

(b) advise the Department on promotional and educational activities in relation to the conservation of nature or of the countryside.

(4) The Council for Nature Conservation and the Countryside may be heard at any inquiry held under any statutory provision where matters relating to the conservation or protection of nature or of the countryside are involved.

(5) Subject to paragraph (6), the Department shall defray the expenses incurred by the Council for Nature Conservation and the Countryside with the approval of the Department in obtaining legal representation at such inquiry as is mentioned in paragraph (4).

(6) The amount payable under paragraph (5) shall not exceed such amount as may be agreed by the Department with the approval of the Department of Finance and Personnel.

Abolition of the Committee for Nature Conservation and the Ulster Countryside Committee N.I.

5.—(1) The Committee for Nature Conservation established under Article 5 of the Nature Conservation and Amenity Lands Order and the Ulster Countryside Committee referred to in Article 11 of that Order shall cease to exist.

(2) In the construction and for the purposes of any statutory provision, judgment, decree, order, award, deed, contract, regulation, byelaw, certificate or other document passed or made before the transfer date, any reference to, or which is to be construed as a reference to, the transferor shall, so far only as may be necessary for the purposes of this Order, be construed as a reference to the transferee.

(3) The transfer of functions by this Order shall not affect any order, regulation, rule, appointment, direction, instruction, approval, requirement or authorisation made or given or other thing done by the transferor before the transfer date, but any such matter shall, if in force immediately before that date, continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the transferee.

(4) Anything commenced before the transfer date by or under the authority of the transferor may, so far as it relates to any function transferred by this Order, be carried on or completed by or under the authority of the transferee.

Miscellaneous

Local or public authorities N.I.

6. In Article 2(2) of the Nature Conservation and Amenity Lands Order (interpretation) in the definition of "local or public authority"

(a) for "Government Loans Act (Northern Ireland) 1957" there shall be substituted " Financial Provisions (Northern Ireland) Order 1983 ";

(b) for "section 2 of that Act" there shall be substituted " Article 8 of that Order ".

Disposal of amenity lands N.I.

7. In Article 6(4) of the Nature Conservation and Amenity Lands Order (acquisition and disposal of amenity lands)—

(a) for the words from "by" to the end of sub#paragraph (*d*) there shall be substituted " by any person ";

(b) for "the said Trust, government department or local or public authority or other body" there shall be substituted " that person ".

Nature reserves N.I.

Para. (1) rep. by 2002 NI 7

(2) In Article 17(3)(*b*) of the Nature Conservation and Amenity Lands Order (agreements for management of land as nature reserve) for "paragraph (2)" there shall be substituted " sub# paragraph (*a*) ".

Arts. 9#12 rep. by 2002 NI 7

Repeals

Repeals N.I.

13. The following provisions in the Nature Conservation and Amenity Lands Order are hereby repealed, that is to say—

(a) Article 5(1) and (3);

(b) Article 11(1) and (3);

(c) Schedule 1.

SCHEDULE

N.I. Article 3(2).

THE COUNCIL FOR NATURE CONSERVATION AND THE COUNTRYSIDE

PART I N.I.

THE CONSTITUTION OF THE COUNCIL

1. The Council shall consist of—

(a) a Chairman and a Deputy Chairman appointed by the Head of the Department;

(b) not more than 18 other members appointed by the Head of the Department.

2. A member of the Council shall hold office for a maximum period of 3 years but shall be eligible for re#appointment.

3. The Department may appoint a person to be the Secretary to the Council.

PART II N.I.

SUPPLEMENTARY PROVISIONS AS TO THE COUNCIL

Remuneration

4.—(1) The Department shall pay to the Chairman and Deputy Chairman such remuneration and other allowances (if any) as the Department with the approval of the Department of Finance and Personnel may determine.

(2) The Department shall pay to the members of the Council and the members of any committee constituted by the Council such allowances for travelling and other out#of#pocket expenses incurred in connection with the business of the Council as the Department with the approval of the Department of Finance and Personnel may determine.

Procedure

5. The Council may regulate its own quorum and procedure.

6.—(1) The Council, with the approval of the Department, may constitute a committee for the purpose of advising it in the discharge of its functions.

(2) A committee constituted under sub#paragraph (1) may include persons representing a specific interest who are not members of the Council but the chairman and at least one other member of the committee shall be members of the Council.

(3) The functions and proceedings of any committee constituted under sub#paragraph (1) shall be exercised subject to, or regulated in accordance with, any directions of the Council.

Changes to legislation:
There are currently no known outstanding effects for the The Nature Conservation and Amenity Lands (Amendment) (Northern Ireland) Order 1989.