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STATUTORY INSTRUMENTS

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**1989 No. 492 (N.I. 3)**

**NORTHERN IRELAND**

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

*Made*

*15th March 1989*

*Coming into Operation*

*16th May 1989*

**ARRANGEMENT OF ORDER**

**Article**

*Introductory*

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2. Interpretation.

*The Council for Nature Conservation and the Countryside*

3. Council for Nature Conservation and the Countryside.
4. Functions of the Council for Nature Conservation and the Countryside.
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*Miscellaneous*

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10. Areas of special scientific interest.
11. Compensation.
12. Byelaws.

*Repeals*

13. Repeals.

SCHEDULE:

Schedule—The Council for Nature Conservation and the Countryside.

Part I—The Constitution of the Council.

Part II—Supplementary provisions as to the Council.

At the Court at Buckingham Palace, the 15th day of March 1989

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by resolution of each House of Parliament:

1974 c. 28

Now, therefore, Her Majesty in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

*Introductory*

*Title and commencement*

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*

1954 c. 33 (N.I.)

2.—(1) The Interpretation Act (Northern Ireland) 1954 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;

1985 NI 1

“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.

*The Council for Nature Conservation and the Countryside*

*Council for Nature Conservation and the Countryside*

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*

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*

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*

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*

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*

8.—(1) In Article 16(1)(a) of the Nature Conservation and Amenity Lands Order (declarations in relation to nature reserves) after "Article 6" there shall be inserted ", 24 or 25".

(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)".

*Power to carry out works and provide facilities on certain acquired land*

9. In Article 10 of the Nature Conservation and Amenity Lands Order (power of Department to carry out works and provide facilities)—

- (a) in paragraph (1) after “Article 6” there shall be inserted “, 24 or 25”;
- (b) in paragraph (4)—
  - (i) after “nature reserve” there shall be inserted “or land acquired under Article 24 or 25”;
  - (ii) after “that reserve” in the first place where it occurs there shall be inserted “or land”;
  - (iii) in sub-paragraph (c) at the end there shall be added “or, as the case may be, for use on, or in relation to, that land”.

*Areas of special scientific interest*

10.—(1) In Article 24(1) of the Nature Conservation and Amenity Lands Order (declaration of areas of special scientific interest) for “may” there shall be substituted “shall”.

(2) In Article 25 of the Nature Conservation and Amenity Lands Order (conservation of areas of special scientific interest)—

(a) in paragraph (1) for sub-paragraphs (a) to (c) there shall be substituted—

“(a) in the case of any operation or activity which, in the opinion of the Department, would not cause any damage to the scientific interest of the area,—

- (i) a person has given notice to the Department of a proposal to carry out the operation or activity; and
- (ii) the operation or activity is carried out with the Department’s written consent; and
- (iii) the Department has not served on him notice of its intention to acquire the land compulsorily; or

(b) in the case of any other operation or activity,—

- (i) the owner or occupier has given written notice to the Department of a proposal to carry out the operation or activity, specifying its nature and the land on which it is proposed to carry it out; and
- (ii) one of the conditions set out in paragraph (2) is fulfilled; and
- (iii) the Department has not served on him notice of its intention to acquire the land compulsorily.”;

(b) in paragraph (2) for “paragraph (1)(b)” there shall be substituted “paragraph (1)(b)(ii)”;

- (c) in paragraph (3)(a) for "paragraph (1)(a)" there shall be substituted "paragraph (1)(b)(i)";
- (d) in paragraph (7)(a) for "on an application under Part IV" there shall be substituted "under Articles 17 and 19";
- (e) in paragraph (10), in the definition of "the initial period" for "paragraph (1)(a)" there shall be substituted "paragraph (1)(b)(i)".

#### *Compensation*

**11.—(1)** In Article 26 of the Nature Conservation and Amenity Lands Order (compensation)—

- (a) in paragraph (1)(a) for "section 10(1) of the Planning and Land Compensation Act (Northern Ireland) 1971" there shall be substituted "Article 2(2) of the Planning Blight (Compensation) (Northern Ireland) Order 1981";
- (b) in paragraph (2) for "Article 25(1)(a)" there shall be substituted "Article 25(1)(b)(i)";
- (c) in paragraph (6) for "paragraph (2)" there shall be substituted "paragraph (1)".

(2) Nothing in sub-paragraph (c) of paragraph (1) shall affect the assessment of compensation under Article 26(2) of the Nature Conservation and Amenity Lands Order for any claim made before that sub-paragraph comes into operation.

#### *Byelaws*

**12.** In Article 30(1)(a) of the Nature Conservation and Amenity Lands Order (byelaws made by Department) after "Article 6" there shall be inserted ", 24 or 25".

#### *Repeals*

#### *Repeals*

**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.

*G. I. de Deney*  
Clerk of the Privy Council

SCHEDULE

Article 3(2).

THE COUNCIL FOR NATURE CONSERVATION AND THE COUNTRYSIDE

PART 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

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.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

### **This Order—**

- (a) establishes the Council for Nature Conservation and the Countryside;**
  - (b) transfers the functions of the Committee for Nature Conservation and the Ulster Countryside Committee to the Council for Nature Conservation and the Countryside;**
  - (c) abolishes the Committee for Nature Conservation and the Ulster Countryside Committee;**
  - (d) enables the Department of the Environment to convey land acquired under the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 to individuals;**
  - (e) allows the Department of the Environment to declare as a nature reserve, to carry out works and provide facilities on and to make byelaws in respect of land acquired as an area of special scientific interest;**
  - (f) makes it mandatory for the Department of the Environment to declare an area of special scientific interest and enables that Department to consent to certain operations or activities proposed to be carried out in such an area without previous written notice.**
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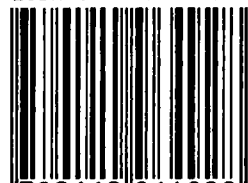
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