
STATUTORY INSTRUMENTS

1983 No. 1895

The Access to the Countryside (Northern Ireland) Order 1983

PART IV

SUPPLEMENTARY

Protection for interests in the countryside

- 44.** In the exercise of its function under this Order a district council shall have regard—
- (a) to the needs of agriculture and forestry; and
 - (b) to the need to conserve the natural beauty and amenity of the countryside (including its flora, fauna and geological and physiographical features).

Parking places

- 45.**—(1) A district council may provide parking places for the purpose of facilitating the use of public paths and other public rights of way and access to open country by members of the public.
- (2) A district council may acquire land compulsorily for that purpose.

Bye-laws

- 46.**—(1) A district council may, as respects land—
- (a) over which there is a public path, a long-distance route or any other public right of way;
 - (b) in relation to which an access agreement or order has been made;
 - (c) to which the public is given access in consequence of acquisition under Part III;
- make bye-laws for the prevention of damage to such land and for securing that persons resorting there will so behave themselves as to avoid undue interference with the enjoyment of the land by other persons.
- (2) Without prejudice to the generality of paragraph (1), bye-laws under this Article may prohibit, restrict or regulate—
- (a) the use of the land, either generally or in a manner specified in the bye-laws, by traffic of any description, or for any recreational purpose, so specified;
 - (b) the depositing of rubbish or the leaving of litter;
 - (c) the lighting of fires.
- (3) Bye-laws under this Article or Article 47 shall not interfere with the exercise of any public right of way or of any functions of statutory undertakers in relation to any such land.
- (4) Where a person is convicted of a contravention of bye-laws under this Article or Article 47, a district council may recover from him any expenses reasonably incurred by it under Article 3(2) (power to maintain public rights of way) or 13 (duty to maintain public paths) in consequence of the contravention.

Default powers of Department as to bye-laws

47.—(1) If a district council, when required by the Department to make bye-laws as respects any land to which Article 46 (1) applies, does not within three months after being so required comply with the requirement to the satisfaction of the Department, the Department may itself make bye-laws as respects that land.

(2) Before making any bye-laws under this Article the Department shall—

- (a) cause the proposed bye-laws to be made known in the locality to which they relate; and
- (b) give an opportunity for objections to be made to the proposed bye-laws; and
- (c) receive and consider all objections made,

and may cause a local inquiry to be held.

(3) Any bye-laws made by the Department under this Article shall have effect as if they had been made by the district council and confirmed by the Department, and the provisions of this Order and of Part VI of the Local Government Act (Northern Ireland) 1972 shall have effect in relation to the bye-laws accordingly.

Rangers

48.—(1) A district council may appoint rangers as respects any land to which Article 46 (1) applies.

(2) The purposes for which rangers may be appointed under paragraph (1) as respects any land are—

- (a) to advise and assist the public as to any matter relating to the use of the land;
- (b) to secure compliance with bye-laws made under Article 46 or 47;
- (c) to perform such other duties in relation to the land as the district council may determine.

(3) For the purpose of exercising any function conferred on him by this Article, a ranger may enter upon any land comprised in an access agreement or order in force under this Order.

Supplementary provisions as to compensation

49.—(1) Any dispute arising on a claim for compensation under Article 17 (compensation relating to public paths) or 35 (compensation relating to access orders) shall be determined by the Lands Tribunal.

(2) For the purposes of paragraph (1), Article 5 of the Land Compensation (Northern Ireland) Order 1982^{F1} shall have effect as if for references to the acquiring authority there were substituted references to the district council from whom the compensation in question is claimed or, if the compensation in question is claimed from the Department, to the Department.

(3) Rules 2 to 4 of the rules contained in Article 6(1) of that Order (rules for assessing compensation) shall apply to the calculation of compensation under Article 17 or 35 in so far as it is calculated by reference to the depreciation of the value of an interest in land.

(4) Where an interest in land is subject to a mortgage—

- (a) any compensation payable under Article 17 or 35 in respect of the depreciation in value of that interest shall be calculated as if the interest were not subject to the mortgage;
- (b) a claim for the payment of any such compensation may be made by any mortgagee of the interest under a mortgage made before the happening of the event giving rise to the compensation;
- (c) A mortgagee is not entitled to claim any such compensation in respect of his interest as such; and

- (d) any such compensation payable in respect of the interest subject to the mortgage shall be paid to the mortgagee or, where there is more than one mortgagee, to the first mortgagee, and shall in either case be applied by him as if it were proceeds of sale.

F1 [S.I. 1982/712 \(N.I.9\)](#).

Financial assistance by Department

50. The Department may, in accordance with arrangements approved by the Department of Finance and Personnel, defray or contribute towards expenditure incurred—

- (a) by district councils, in connection with the exercise of their powers under this Order;
- (b) by any other body or person, in implementing a report approved under Article 22 (long distance routes).

Financial assistance by district councils

51. A district council may defray or contribute towards expenses incurred by any person or body of persons in assisting the council in carrying out its functions under—

- Article 3 (protection and maintenance of public rights of way);
- Article 4 (signposting of public rights of way);
- Article 13 (making up and maintenance of public paths);
- Article 41 (2) (displaying of notices of restrictions on public access);
- Article 42 (4) (taking steps and carrying out works to protect the public from dangers);
- Article 43 (erecting and maintaining boundary notices, etc.).

Amendment of Occupiers' Liability Act (Northern Ireland) 1957

52. At the end of section 1 of the Occupiers' Liability Act (Northern Ireland) 1957^{F2} there shall be added the following subsection—

“(4) A person entering any premises in exercise of rights conferred by virtue of an access agreement or order under the Access to the Countryside (Northern Ireland) Order 1983 is not, for the purposes of this Act, a visitor of the occupier of those premises”.

F2 [1957 c. 25 \(N.I.\)](#).

Crown land

53.—(1) The power to carry out work or provide services or facilities conferred by this Order may, if the appropriate authority consents, be exercised on Crown land.

(2) This Order shall apply to Crown land subject to the following modifications—

- (a) no public path creation order, public path extinguishment order, public path diversion order or access order shall be made as respects such land except with the consent of the appropriate authority;
- (b) no such land shall be acquired under this Order except with the consent of the appropriate authority;
- (c) if any land comprised in an access agreement or order, not being excepted land, becomes Crown land while it is so comprised, the access agreement or order shall cease to apply

to the land unless the appropriate authority consents to the continued application to the land of the agreement or order.

(3) Bye-laws made under this Order shall apply to Crown land if the appropriate authority consents to their application to that land.

(4) In this Article “Crown land” means land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, and “appropriate authority” means that department.

Local inquiries

54.—(1) The Department may cause a public local inquiry to be held for the purpose of the exercise of any of its functions under this Order.

(2) Without prejudice to section 23 of the Interpretation Act (Northern Ireland) 1954, the Department may make rules regulating the procedure to be followed in connection with inquiries held by or on behalf of the Department under this Order.

Regulations and orders

55.—(1) Regulations made by the Department under this Order shall be subject to negative resolution.

(2) Orders made by the Department under this Order shall not be statutory rules for the purposes of the Statutory Rules (Northern Ireland) Order 1979^{F3}.

F3 [S.I. 1979/1573 \(N.I. 12\).](#)

Registration of matters in Statutory Charges Register

56. Schedule 11 to the Land Registration Act (Northern Ireland) 1970^{F4} (which sets out matters which require to be registered in the Statutory Charges Register) shall be amended in accordance with Schedule 5.

F4 [1970 c. 18 \(N.I.\).](#)

Changes to legislation:

There are currently no known outstanding effects for the The Access to the Countryside (Northern Ireland) Order 1983, PART IV.