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## STATUTORY INSTRUMENTS

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# 1985 No. 170

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

### PART VIII

#### GENERAL

##### *Financial assistance*

**29**<sup>F1</sup>.—(1) Subject to paragraph (2), the Department, in accordance with arrangements approved by the Department of Finance and Personnel, may—

- (a) make grants to any body of persons (not being a body carried on for profit) having among its objects the conservation of wildlife or of the countryside;
- (b) give financial assistance by way of grant or loan, or partly in one way and partly in the other, to any person in respect of expenditure incurred by him in doing anything which, in the opinion of the Department is conducive to the attainment of any of the purposes of this Order.

(2) On making a grant or loan under paragraph (1)(b) the Department may impose such conditions as it thinks fit including (in the case of a grant) conditions for repayment in specified circumstances.

<b>F1</b> functions transf. by SR 1999/481
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##### *Byelaws*

**30.**—(1) Without prejudice to Article 19, the Department may, as respects land—

- (a) acquired under Article 6<sup>[F2, F3]</sup> . . . ] or under section 1 of the Amenity Lands Act (Northern Ireland) 1965; or
- (b) subject to an agreement or covenant under Article 8, 9 or 17 or under section 2 or 2A of that Act, where the agreement or covenant so provides;

make byelaws providing for the prevention of damage to such land and for securing that persons resorting thereto will so behave themselves as to avoid undue interference with the enjoyment of the land by other persons.

(2) Where the Department conveys land to a district council under Article 6(4), the council may make byelaws as respects that land for the purposes set out in paragraph (1).

(3) Without prejudice to the generality of paragraph (1) or (2), byelaws under this Article—

- (a) may prohibit or restrict the use of the land, either generally or in a manner specified in the byelaws, by traffic of any description so specified;
- (b) may prohibit or restrict, either generally or in a manner specified in the byelaws, the use of mechanically-propelled vessels on watercourses in, or whose shores lie within, any such land; and

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985, PART VIII. (See end of Document for details)*

- (c) may regulate or prohibit the lighting of fires on the land;
  - (d) where a camping site, caravan park or parking place is provided under Article 10, may provide for the use of that site, park or place under such conditions as may be specified in the byelaw; and
  - (e) may regulate or prohibit the taking away of soil, turf, sand or minerals of any description from the land.
- (4) Before making byelaws under this Article the Department or, as the case may be, a district council shall consult—
- (a) the Ulster Countryside Committee, where the Department or the district council is of the opinion that the proposed byelaws would affect matters relating to the natural beauty or amenity of the land; and
  - (b) the Committee for Nature Conservation, where the Department or the district council is of the opinion that the proposed byelaws would affect matters relating to nature conservation.
- (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 any land of the kind referred to in paragraph (1) 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) In this Article “watercourse” includes tidal and coastal waters, rivers, canals, lakes and reservoirs.

**F2** 1989 NI 3

**F3** 2002 NI 7

**Modifications etc. (not altering text)**

**C1** Art. 30(5) modified (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(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)

***Enforcement of byelaws***

**31.**—(1) The Department or, as the case may be, the Secretary of State, may authorise persons appointed or employed to enforce byelaws made under Articles 19, 21 and 30 and to take all steps and do all acts and things, necessary for that purpose.

(2) In particular, any person authorised under paragraph (1) may, after due warning, remove or exclude a person from any land to which a byelaw made under Article 19, 21 or 30 applies who commits, or whom he reasonably suspects of committing, an offence against any such byelaw.

(3) A person who—

- (a) commits an offence against any byelaw made under Article 19, 21 or 30; or
- (b) obstructs any person authorised under paragraph (1);

shall be guilty of an offence under this Order, and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

***Matters with regard to which functions of authorities to be exercised***

**32.**—(1) It shall be the duty of the Department, the Ulster Countryside Committee, the Committee for Nature Conservation and any other body having functions under this Order, in the exercise of such functions, to have due regard to the needs of agriculture, forestry and fisheries.

(2) In the exercise of its functions under this Order the Department shall have due regard to any representations made to it by the Department of Agriculture on behalf of persons engaged in agriculture, forestry or fisheries.

***Matters to be registered in Statutory Charges Register***

**33.** The following matters, namely—

- (a) any agreement or covenant under Article 8(1), or any waiver relating thereto;
- (b) any management agreement under Article 9;
- (c) any agreement under Article 17 for the management of land as a nature reserve, or any waiver relating thereto;

*Para.(d) rep. by 2002 NI 7*

*Para.(e) rep. by 2002 NI 7*

shall be registered in the Statutory Charges Register.

*Article 34—Amendments and repeals*

**Status:**

Point in time view as at 01/01/2006.

**Changes to legislation:**

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