
STATUTORY RULES OF NORTHERN IRELAND

1995 No. 380

**The Conservation (Natural Habitats, etc.)
Regulations (Northern Ireland) 1995**

PART II

CONSERVATION OF NATURAL HABITATS AND HABITATS OF SPECIES

Byelaws

Power to make byelaws

23.—(1) The Department may make byelaws for the protection of a European site under Article 19 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 (byelaws for the protection of nature reserves).

(2) Without prejudice to paragraph (1), byelaws under that Article as it applies by virtue of this regulation may make provision of any of the following kinds.

(3) They may—

- (a) provide for prohibiting or restricting the entry into, or movement within, the site of persons, vehicles, boats and animals;
- (b) prohibit or restrict the killing, taking, molesting or disturbance of living creatures of any description in the site, the taking, destruction or disturbance of eggs, larvae or other immature stage of any such creature, the taking of, or interference with, vegetation of any description in the site, or the doing of anything in the site which will interfere with the soil or damage any object in the site;
- (c) regulate or prohibit the taking away of soil, turf, sand or minerals of any description;
- (d) prohibit or restrict, or provide for prohibiting or restricting, the lighting of fires in the site, or the doing of anything likely to cause fire in the site.

(4) They may prohibit or restrict any activity referred to in paragraph (3) within such area surrounding or adjoining the site as appears to the Department requisite for the protection of the site.

(5) They may provide for the issue, on such terms and subject to such conditions as may be specified in the byelaws, of permits authorising—

- (a) entry into the site or any such surrounding or adjoining area as is mentioned in paragraph (4), or
- (b) the doing of anything within the site, or any such surrounding or adjoining area,

where such entry, or doing that thing, would otherwise be unlawful under the byelaws.

(6) They may be made so as to relate to the whole or to any part of the site, or of any such surrounding or adjoining area as is mentioned in paragraph (4), and may make different provisions for different parts thereof.

(7) Before making byelaws under Article 19 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 as applied by this regulation the Department shall consult the Council for Nature Conservation and the Countryside.

(8) This regulation does not apply in relation to a European marine site (but see regulation 31).

Byelaws: limitation on effect

24. Byelaws under Article 19 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 as it applies by virtue of regulation 23 shall not interfere with—

- (a) the exercise by any person of a right vested in him as owner, lessee or occupier of land in a European site, or in any such surrounding or adjoining area as is mentioned in paragraph (4) of that regulation;
- (b) the exercise of a public right of way; or
- (c) the exercise of any statutory functions of any local or public authority.

Compensation for effect of byelaws

25.—(1) Where the exercise of any right vested in a person by reason of his being entitled to any estate in land is prevented or hindered by the coming into operation of byelaws under Article 19 of the Nature Conservation and Amenity Lands (Northern Ireland) Order as it applies by virtue of regulation 23, he shall be entitled to receive from the Department compensation in respect thereof.

(2) Any dispute, arising on a claim for compensation under paragraph (1) shall, in the absence of agreement be referred to and determined by the Lands Tribunal.

Continuation in force of existing byelaws

26. Any byelaws previously made under Article 19 of the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 in relation to land which on or after the commencement of these Regulations becomes land within a European site, or adjacent to such a site, shall have effect as if made under the said Article 19 as it applies by virtue of regulation 23 and shall be construed as if originally so made.