
STATUTORY INSTRUMENTS

2002 No. 3153

The Environment (Northern Ireland) Order 2002

PART IV

AREAS OF SPECIAL SCIENTIFIC INTEREST

Powers of Department

Powers to acquire land

41.—(1) The Department may in the circumstances set out in paragraph (2) make an order vesting all or any part of land included in an ASSI in the Department.

(2) The circumstances are that the Department is satisfied—

(a) that—

(i) it is unable to conclude, on reasonable terms, a management agreement with the owner or occupier of the land; or

(ii) that a management agreement entered into by the owner or occupier of the land has been breached in such a way that the land is not being managed satisfactorily; and

(b) that it is necessary to acquire the land in order to protect the flora, fauna or geological, physiographical or other features by reason of which the land is of special scientific interest.

(3) Sections 97(2) and (3) of, and Schedule 6 to, the Local Government Act (Northern Ireland) 1972 (c. 9) shall apply subject to the modifications set out in Schedule 2 to the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 (NI 1) for the purpose of vesting orders under this Article.

(4) The Department may by agreement acquire the estate of any owner of land included in an ASSI.

(5) Where the Department acquires an estate in land included in an ASSI under paragraph (1) or (4), it may also acquire under that paragraph land for the purpose of providing a means of access to that ASSI

(6) Where the Department is of the opinion that any land acquired under this Article would be more expediently or efficiently managed or conserved in the public interest by any other person, the Department may convey (either for value or otherwise) that land to that person.

(7) Without prejudice to paragraph (6), the Department may dispose of any land acquired under this Article which the Department no longer requires for the purpose for which it was acquired.

(8) A conveyance under paragraph (6) or disposal under paragraph (7)—

(a) shall be in accordance with arrangements approved by the Department of Finance and Personnel; and

(b) shall be on such terms and conditions as the Department may think fit,

and the Department may—

- (i) impose such restrictions as the Department may think necessary on the use of the land conveyed or disposed of; and
- (ii) grant or reserve such rights over the land as the Department may think fit.

(9) Nothing in section 5 of the Stormont Regulation and Government Property Act (Northern Ireland) 1933 (c. 6) shall affect the disposal by the Department of land acquired under this Article.

Changes to legislation:

There are currently no known outstanding effects for the The Environment (Northern Ireland) Order 2002, Section 41.