

SCHEDULES

SCHEDULE 4

TRANSITIONAL PROVISIONS

Introductory

1.—(1) In this Schedule “the 1985 Order” means the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 (NI 1).

(2) Nothing in this Schedule prejudices the application of section 28 or 29 of the Interpretation Act (Northern Ireland) 1954 (c.33).

Existing areas of special scientific interest

2.—(1) Any declaration under Article 24 of the 1985 Order which is in force immediately before the date on which Article 28 comes into operation has effect as from that date as if it were a declaration made and confirmed under that Article.

(2) The Department shall, within the period of five years beginning with the date on which Article 28 comes into operation, give to every owner and occupier of any land to which a declaration mentioned in sub-paragraph (1) relates a notice containing a statement of the Department's views about the matters referred to in the words following sub-paragraph (b) of Article 28(2).

(3) The notice shall specify the date (not being less than three months from the date of the giving of the notice) on or before which, and the manner in which, representations or objections with respect to it may be made; and the Department shall consider any representation or objection duly made.

(4) Within the period of two months beginning with the date referred to in sub-paragraph (3), the Department shall give a notice to every owner and occupier of the land confirming the statement referred to in sub-paragraph (2) or containing a revised statement.

(5) A statement confirmed or revised under sub-paragraph (4) has effect as if it were a statement made under Article 28(2) and confirmed under Article 28(6).

Consents under Article 32

3.—(1) Subject to sub-paragraph (2) and paragraphs 4 and 5—

(a) a notice given by an owner or occupier of land under Article 25(1) of the 1985 Order has effect from the date on which Article 32 comes into operation as if it were a notice given under paragraph (1)(a) of that Article; and

(b) a consent given under Article 25(1) or (2) of the 1985 Order has effect from that date as if it were a consent under Article 32(3)(a).

(2) In relation to such a consent, Article 32 has effect as if for paragraphs (7) and (8) there were substituted—

“(7) A notice under paragraph (6) must include a notice of—

(a) the Department's reasons for withdrawing or modifying the consent;

(b) the rights of appeal under Article 33;

(c) the effect of paragraph (9); and

(d) the effect of Article 37(1).”

Operations on land

4. Article 32 does not apply in relation to the carrying out of any operation which began lawfully before the coming into operation of that Article.

Appeals under Article 33

5.—(1) Article 33(1)(a) does not apply to a refusal of a consent under Article 25(1) or (2) of the 1985 Order.

(2) Article 33(1)(b) does not apply to a consent taking effect as mentioned in paragraph 3(1)(b).

Management agreements

6.—(1) Subject to sub-paragraph (2), an agreement in force under Article 24(8)(a) of the 1985 Order immediately before the coming into operation of Article 34 has effect as a management agreement entered into under that Article.

(2) Article 35(1) does not apply in relation to an agreement entered into under Article 24(8)(a) of the 1985 Order.

Compensation

7. Despite its repeal by this Order, Article 26 of the 1985 Order continues to apply in relation to—

- (a) a notification received as mentioned in paragraph (1)(a) of that Article before the date on which that repeal comes into operation; or
- (b) an extension mentioned in paragraph (2) of that Article which occurs before that date.

Duty of public bodies in relation to operations

8. Article 39 does not apply in relation to the carrying out of operations which began before the coming into operation of that Article.

Offences and restoration orders

9. Article 46 does not apply in relation to an offence committed before the coming into operation of that Article.

Changes to legislation:

There are currently no known outstanding effects for the The Environment (Northern Ireland) Order 2002, SCHEDULE 4.