
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

Compensation

Restoration where person convicted of an offence under regulation 16

22.—(1) Where a person is convicted of an offence under regulation 16, the court by which that person is convicted may, in addition to dealing with him in any other way, make an order requiring him to carry out, within such a period as may be specified in the order, such operations for the purpose of restoring the land to its former condition as may be so specified.

(2) The period specified in an order made under paragraph (1) shall not begin to run—

- (a) in any case until the expiration of the period for the time being prescribed by law for the giving of notice of appeal against a decision of a court of summary jurisdiction;
- (b) where notice of appeal is given within the period so prescribed, until determination of the appeal.

(3) At any time before an order under paragraph (1) is complied with or fully complied with, the court by which it was made may, on the application of the person against whom it was made, discharge or vary the order if it appears to the court that a change in the circumstances has made compliance or full compliance with the order impracticable or unnecessary.

(4) If, within the period specified in an order under paragraph (1), the person against whom it was made fails, without reasonable excuse, to comply with it, he shall be guilty of an offence and liable on summary conviction—

- (a) to a fine not exceeding level 5 on the standard scale; and
- (b) in the case of a continuing offence, to a further fine not exceeding £100 for each day during which the offence continues after conviction.

(5) If, within the period specified in an order under paragraph (1), any operations specified in the order have not been carried out, a person authorised in writing by the Department may enter the land and carry out those operations and recover from the person against whom the order was made any expenses reasonably incurred by the Department in doing so.