STATUTORY RULES OF NORTHERN IRELAND

1996 No. 213

AGRICULTURE

Countryside Access Regulations (Northern Ireland) 1996

Made - - - -	*23rd May 1996*
Coming into operation	*1st July 1996*

The Department of Agriculture, being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred on it by the said section 2(2) and by Article 3(1) and (2) of the Agriculture (Conservation Grants) (Northern Ireland) Order 1995(**3**) and of every other power enabling it in that behalf, and with the consent of the Department of Finance and Personnel in so far as it relates to payments under regulation 8, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Countryside Access Regulations (Northern Ireland) 1996 and shall come into operation on 1st July 1996.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations—

"access strategy document" means a document and maps prepared by a district council and agreed by the Department of the Environment which defines routes along which public access routes should be developed within that district;

"application" means an application under regulation 4;

"authorised person" means a person (whether or not an officer of the Department) authorised in writing by the Department for the purposes of regulation 9;

"beneficiary" means—

(a) a person whose application has been accepted by the Department; or

(**1**) S.I.1972/1811
(**2**) 1972 c. 68: section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.I. 1994/2795 (N.I. 15)
(**3**) S.I. 1995/3212 (N.I. 21)
(**4**) 1954 c. 33 (N.I.)

(b) a person who owns or rents any farmland or farm lane following a change of occupation thereof, who has given an undertaking to comply with the obligations relating to that farmland or farm lane assumed by the previous occupier and whose undertaking has been accepted by the Department;

"the Department" means the Department of Agriculture for Northern Ireland;

"Department of the Environment" means the Department of the Environment for Northern Ireland;

"eligible person" means a person who on the date of his application is the lawful owner or tenant of the farmland or the farm lane to which the application relates and which is situated in a district within which the district council has prepared an access strategy document;

"farm lane" means a lane used wholly or mainly by farmers, farm livestock and farm machinery for purposes connected with agriculture;

"field" means an area of land with an established boundary;

"farmland" means land used for arable cropping or grazing of farm livestock and includes grazed woodland;

"grazed woodland" means woodland which is comprised of either broadleaved or coniferous species or of both, the understorey of which is grazed by farm livestock;

"public access route" means a route through farmland or through a farm lane or through both farmland and a farm lane which for the time being is not a public right of way;

"tenant" means a person who occupies farmland or a farm lane under a contract of tenancy for a fixed term of years of which at least 10 years remain unexpired.

Aid for provision of access

3. Subject to the provisions of these Regulations, the Department may make payments of aid to any eligible person who gives both of the following undertakings:—

(a) to provide a public access route; and

(b) to observe the management requirements set out in the Schedule.

Application for aid

4.—(1) An application for aid under these Regulations shall be made at such time and in such form, and shall include or be accompanied by such information as the Department reasonably may require to enable it to decide whether to accept the application.

(2) An applicant shall provide such evidence showing the nature of his estate or interest in the farmland or farm lane as the Department may require.

Restrictions on acceptance of applications

5.—(1) The Department shall not accept an application from a tenant in relation to any farmland or farm lane unless it is satisfied that the tenant has notified the landlord of his intention to make the application.

(2) The Department may refuse to accept an application in relation to any farmland or farm lane where it is satisfied that:

(a) the use of any farmland or farm lane in accordance with the proposals contained in that application would frustrate the purposes of any assistance previously given or to be given out of money provided by or under any statutory provision or by the European Community; or

(b) the payment of aid under these Regulations would duplicate any assistance previously given or to be given out of money provided by or under any statutory provision or by the European Community.

Change of occupation

6.—(1) Where in the period of duration of the undertaking referred to in regulation 3 there is a change of occupation of the whole or any part of a beneficiary's farmland or farm lane which is subject to management requirements set out in the Schedule—

(a) the beneficiary (or, if he has died, his personal representatives or the occupier of the farmland or farm lane) shall within 3 months notify the Department in writing of the change of occupation, and shall supply to the Department such information relating to that change of occupation in such form and within such period as the Department may reasonably determine;

(b) subject to the provisions of this regulation, the new occupier of that farmland or farm lane may give an undertaking to the Department to comply, for the remainder of that period with the obligations assumed by the original beneficiary.

(2) The Department shall not accept an undertaking from a new occupier of farmland or farm lane to comply with obligations assumed by a beneficiary unless it is satisfied that that new occupier occupies that farmland or farm lane as an owner or tenant or as the personal representative of that beneficiary.

(3) A new occupier who gives an undertaking to comply with the obligations assumed by the original beneficiary shall supply to the Department such information in such form and within such period following the change of occupation as the Department may reasonably determine.

(4) Where the Department has accepted an undertaking from a new occupier to comply with the obligations assumed by the original beneficiary his undertaking to comply with the such obligations shall be deemed to take effect on the date of the acceptance by the Department of that undertaking.

(5) Where within 3 months from the date of change of occupation a new occupier has not given an undertaking to comply with the obligations assumed by the original beneficiary, the Department may:

(a) withhold the whole or any part of any payments of aid under these Regulations due to the original beneficiary; and

(b) recover from that original beneficiary or his personal representatives the whole or any part of any payments of aid under these Regulations already made to him.

(6) Paragraph (5) shall not apply where the change of occupation of the farmland or farm lane is the result of:

(a) the compulsory purchase of the farmland or farm lane; or

(b) the death of the original beneficiary; and

(i) that original beneficiary occupied that farmland or farm lane as a tenant; and

(ii) that tenancy determined on the death of that original beneficiary or was terminated by the landlord following that death.

Amounts of aid and claims

7.—(1) Subject to the provisions of these Regulations the Department shall make payments of aid in respect of each year of the duration of the undertakings referred to in regulation 3.

(2) The Department shall make payments of aid at the following rates—

(a) where a public access route is a route only through farmland—

(i) £129 per annum for the first 0.5 hectare or part thereof; and

(ii) subject to paragraph (3), £50 per annum for each additional 0.5 hectare or part thereof;

(b) subject to sub-paragraph (*c*), where a public access route is a route through a farm lane, £65 per annum for each 0.25 hectare or part thereof;

(c) where a public access route is a route through both farmland and a farm lane, £65 per annum for each 0.25 hectare or part thereof.

(3) Payments made under paragraph (2)(*a*)(ii) and Regulation 8(2)(*a*) shall not exceed—

(a) £250 per annum where the length of the route is 0.5 kilometres or less;

(b) £350 per annum where the length of the route exceeds 0.5 kilometres but does not exceed 1 kilometre;

(c) £450 per annum where the length of the route exceeds 1 kilometre.

(4) A claim of each payment under this regulation or regulation 8 shall be made at such time and in such form and shall contain such information as the Department may reasonably require.

8.—(1) The Department shall, in addition to the payments specified in regulation 7, make payments of aid in respect of each year of the duration of the undertakings referred to in regulation 3.

(2) Additional payments under this regulation shall be made at the following rates—

(a) where a public access route is a route only through farmland, £21 per annum for the first 0.5 hectare or part thereof;

(b) subject to sub-paragraph (*c*) where a public access route is a route through a farm lane, £35 per annum for each 0.25 hectare or part thereof.

(c) where a public access route is a route through both farmland and a farm lane, £20 per annum for each 0.25 hectare or part thereof.

Obligation to permit entry and inspection

9.—(1) An applicant or beneficiary as the case may be shall permit any authorised person, accompanied by such other persons acting under the Department's instructions as appear to that authorised person to be necessary for the purpose, at all reasonable times and on production on demand of the authorised person's authority, to enter upon any farmland or farm lane for the purpose of:

(a) carrying out an inspection thereof or of any document or record in the possession or under the control of the applicant or beneficiary relating to, or which the authorised person may reasonably suspect relates to, an application, with a view to verifying the accuracy of any particulars given in an application or claim under regulation 7(4) or in any undertaking made by a new occupier pursuant to regulation 6(1)(*b*); and

(b) ascertaining whether a beneficiary has complied with any undertaking given by him under these Regulations.

(2) An applicant or beneficiary shall render all reasonable assistance to the authorised person in relation to the matters mentioned in paragraph (1), and in particular shall:

(a) produce such document or record as may be required by the authorised person for inspection;

(b) permit the authorised person to take copies or extracts from any such document or record;

(c) where any such document or record is kept by means of a computer, produce it in a form in which it may easily be read and taken away; and