1984 No. 342

ACCESS TO THE COUNTRYSIDE

Access to the Countryside Regulations (Northern Ireland) 1984

Made . . . . . *26th September 1984*

Coming into operation . . . *2nd November 1984*

The Department of the Environment in exercise of the powers conferred by Articles 12(3), 14(3), 15(6), 29(4) and 41(1) of, and paragraphs 1(1), 3 and 4 of Schedule 1 to, the Access to the Countryside (Northern Ireland) Order 1983(a) and of every other power enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Access to the Countryside Regulations (Northern Ireland) 1984 and shall come into operation on 2nd November 1984.

Interpretation

2.—(1) In these regulations the following expressions have the meanings hereby assigned to them respectively, that is to say—

"the Order", means the Access to the Countryside (Northern Ireland) Order 1983;

"a public path order" means a public path creation order, a public path extinguishment order or a public path diversion order, and includes an order revoking or varying any such order.

Form of public path orders

3.—(1) A public path order shall be in the appropriate form set out in Schedule 1 with such modifications as the circumstances may require.

(2) The map required to be annexed to a public path order shall define the land over which the right-of-way is thereby created, extinguished or diverted, and shall be on a scale of not less than 1:2,500 provided that the Department may in any particular case authorise a smaller scale.

(3) In the case of any conflict between the map and the particulars contained in the schedule to the public path order, the schedule shall prevail.

Form of access order

4. An access order shall be in the form set out in Schedule 2 with such modifications as the circumstances may require.

Maps

5.—(1) This regulation shall apply to the following maps:—

(*a*) any map required to be annexed to an access order (hereinafter referred to as an "access order map");

(*b*) any map required to be prepared under Article 41 (hereinafter referred to as a "rights of public access map").

(a) S.I. 1983/1895 (N.I. 18)

(2) Any maps to which this regulation applies shall be ordnance maps, on a scale not less than 1:10,000 or 1:10,560 where 1:10,000 is not available.

(3) Every access order map shall define the land comprised in the order by means of a green edging, and in addition, so far as it appears practicable to the district council making the order, shall identify—

(*a*) any land so comprised, which is subject to restrictions on access by virtue of the order, by means of green edging and green dots overall;

(*b*) any land so comprised, which at the time when the order is made is excepted land, by means of green vertical hatching edged green.

(4) (*a*) Every rights of public access map shall identify land of any of the descriptions specified in Column 1 of the following table by means of the symbol specified opposite that description in Column 2 of the said table (enclosing an identification number if appropriate) on the said map:—

Column 1	*Column 2*
Land subject to an access agreement	□
Land subject to an access order	○
Land acquired and held under Article 39	▲
Land acquired and held under Article 40	◇

(*b*) Every rights of public access map shall, in addition, define—

(i) any land comprised in an access agreement or order, which is subject to restrictions on access by virtue of the agreement or order, by means of a green edging and green dots overall;

(ii) any land so comprised, which is for the time being excepted land, by means of green vertical hatching edged green;

(iii) any land comprised in land acquired and held under Article 39 or 40 from which, for the purpose of avoiding danger to the public or to persons employed thereon or for any other reason, the public are excluded, by means of green cross hatching edged green.

(5) Inset maps on a larger scale than the minimum specified in paragraph (2) may be included in any map to which this regulation applies for the purpose of more particularly defining any part of any land and in the case of conflict between the map and the inset map the latter shall prevail.

Procedure for making of orders

6.—(1) An order submitted to the Department for confirmation shall be accompanied by:—

(*a*) two copies of the order;

(*b*) a statement by the district council by whom the order was made of the grounds on which it considers that the order should be confirmed;

(*c*) a certificate that the notice of the making of the order has been given before submission as required by Schedule 1 to the Order (giving the date of posting or service) together with a copy of any notice given and a cutting of the advertisement as it appeared in the local newspaper;

(*d*) in any case in which the Order requires the council to obtain the consent of, or to consult with, any other council or body before the order is made, a certificate that such consent has been obtained or such consultation has taken place, together with particulars of the consultations carried out and copies of any comments received;

(*e*) a copy of all representations and objections to the order not withdrawn (together with the comments thereon of the council);

(*f*) an undertaking that should the order be confirmed any new path to be provided will be ready for use before the order comes into operation.

(2) After an order has been confirmed by the Department or confirmed by the district council as an unopposed order, the district council shall as soon as the requirements of paragraph 4 of Schedule 1 to the Order have been complied with, supply the Department with a certificate to that effect.

(3) Any notice required to be given, published, served, affixed or displayed under Schedule 1 to the Order by a district council by whom an order is made shall be in the appropriate form of forms 1, 2, 3 and 4 set out in Schedule 3 with such modifications as the circumstances may require.

(4) Where the Department makes a public path extinguishment or diversion order any notice in relation to the order which the Department is required to publish, serve or display under paragraph 4 of Schedule 1 to the Order shall be in the form of form 3 set out in Schedule 3 with such modifications as the circumstances may require.

(5) Any notice or other document to be served on an owner, occupier or lessee in accordance with paragraph 1(3), 1(4), 2(3) or 4 of Schedule 1 to the Order shall at the beginning have clearly and legibly inscribed upon it the words:

IMPORTANT — THIS COMMUNICATION
AFFECTS YOUR PROPERTY

and where the notice or document is sent under cover otherwise than in a prepaid registered letter, or by the recorded delivery service, the cover shall in addition be endorsed in like manner.

(6) The notice required to be given under paragraphs 1(1) and (2) and 4(1)(*a*) of Schedule 1 to the Order shall be served on the bodies specified in Schedule 4.

(7) In this regulation the expression "order" means a public path order or an access order and includes any order varying or revoking any such order.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 26th September 1984.

(L.S.) *J. J. O. McClenahan*
Assistant Secretary

SCHEDULE 1 Regulation 3

FORMS OF PUBLIC PATH ORDERS

FORM NO. 1

PUBLIC PATH CREATION ORDER
Access to the Countryside (Northern Ireland) Order 1983

(Name of District Council)
(Title of Order)

Whereas it appears to the (name of District Council) that there is need for a public path over the land to which this order relates;

And whereas the said Council is satisfied, having regard to the extent to which the path would add to the [[convenience] [enjoyment] of a substantial section of the public] [the convenience of persons resident in the district] and the effect which the creation of the path would have on the rights of persons interested in the land (account being taken as to the compensation provisions of Article 17 of the Access to the Countryside (Northern Ireland) Order 1983 (hereinafter called "the Order")), that it is expedient that the path should be created;

And whereas it appears impracticable to the (name of District Council) to create the path by means of a public path creation agreement within the meaning of the Order;

And whereas the (name of District Council) has consulted the Department and other appropriate bodies under Article 18(1) of the Order [and (name of consenting District Council or Councils) [has] [have] consented to the creation of this path which lies partly within [its district] [their districts];]

Now therefore (name of District Council) in exercise of the powers conferred on it by Article 12 of the Order and of every other power enabling it in that behalf hereby makes the following order:

1. There shall be at the expiration of days from the date of confirmation of this order a public path over the land described in [Part I of] the Schedule hereto and shown coloured purple on the map annexed to this order.

[2. Notwithstanding anything contained in this order (name of statutory undertaker) shall have the following rights over the land referred to in paragraph 1, namely:—

.]

[3. The rights conferred on the public by this order shall be subject to the limitations and conditions specified in Part II of said Schedule.]

[4. (Provisions regarding expenses in terms of Article 18(5) of the Order)].

5. This order may be cited as the (name of District Council and name or reference of path) Public Path Creation Order 19

Date

(Authenticate in the manner
appropriate to the District Council)

SCHEDULE

[PART I]

DESCRIPTION OF LAND

(Describe position, length and width of path in sections, e.g., A-B, B-C etc., as indicated on map)

Part of public path to which limitations and conditions specified opposite are to apply	Limitations and Conditions
(Describe part of same)	(Specify the same)]

NOTE: Omit the words in square brackets where inappropriate.

FORM NO. 2

PUBLIC PATH EXTINGUISHMENT ORDER

Access to the Countryside (Northern Ireland) Order 1983

(Name of order-making Authority)
(Title of Order)

[Whereas it appears to the (name of District Council) that the public path to which this order relates [is not needed for public use] [having regard to the extent to which (here specify the relevant Public Path Creation/Diversion Order) would provide an alternative path];

[Whereas the Department of the Environment for Northern Ireland is satisfied that the public path to which this order relates must necessarily be extinguished to enable development to be carried out [in accordance with planning permission] [by a government department];

[And whereas the (name of District Council) has consulted the Department and other appropriate bodies in pursuance of Article 18(1) of the Access to the Countryside (Northern Ireland) Order 1983 (hereinafter called "the Order")] [and (name of consenting District Council or Councils)[has] [have] consented to the extinguishment of this path which lies partly within [its district] [their districts];]

Now therefore the (name of order-making authority) in exercise of the powers conferred on it by [Article 14] [Article 16] of the Order and of every other power enabling it in that behalf hereby makes the following order:—

1. The public right-of-way over the land described in the Schedule hereto and shown coloured brown on the map annexed to this order shall be extinguished at the expiration of days from the date of confirmation of this order.

[2. Notwithstanding anything contained in this order (name of statutory undertaker) shall have the following rights over the land referred to in paragraph 1, namely:—

.]

[3. (Provisions regarding expenses in terms of Article 18(5) of the Order)].

4. This order may be cited as the (name of order-making authority and name or reference of path) Public Path Extinguishment Order 19

Date

(Authenticate in the manner appropriate to the order-making authority.)

SCHEDULE

DESCRIPTION OF LAND

(Describe position, length and width of path in sections, e.g., A-B, B-C, etc., as indicated on map)

NOTE: Omit the words in square brackets where inappropriate.