

STATUTORY INSTRUMENTS

**1989 No. 492 (N.I. 3)**

**The Nature Conservation and Amenity Lands  
(Amendment) (Northern Ireland) Order 1989**

- - - - - 15th March 1989

Introductory

**Title and commencement**

1. This Order may be cited as the Nature Conservation and Amenity Lands (Amendment) (Northern Ireland) Order 1989 and shall come into operation on the expiration of 2 months from the day on which it is made.

**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954<sup>F1</sup> shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—  
“the Department” means the Department of the Environment;  
“the Nature Conservation and Amenity Lands Order” means the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985  
<sup>F2</sup>“statutory provision” has the meaning assigned to it by section 1(*f*) of the Interpretation Act (Northern Ireland) 1954;  
“transfer date” means the date on which this Order comes into operation;  
“transferor” and “transferee” respectively mean, in relation to any functions transferred under this Order, the committee from and the council to which the functions are transferred.

<b>F1</b>	1954 c. 33 (N.I.)
<b>F2</b>	1985 NI 1

The Council for Nature Conservation and the Countryside

**Council for Nature Conservation and the Countryside**

3.—(1) There shall be established a council, to be known as the “Council for Nature Conservation and the Countryside”.

(2) The constitution of the Council for Nature Conservation and the Countryside shall be as provided in that behalf in Part I of the Schedule, and the supplementary provisions contained in Part II of the Schedule shall have effect with respect to that Council.

### **Functions of the Council for Nature Conservation and the Countryside**

4.—(1) The functions which, immediately before the transfer date, are exercisable by the Committee for Nature Conservation established under Article 5 of the Nature Conservation and Amenity Lands Order are hereby transferred to the Council for Nature Conservation and the Countryside.

(2) The functions which, immediately before the transfer date, are exercisable by the Ulster Countryside Committee referred to in Article 11 of the Nature Conservation and Amenity Lands Order are hereby transferred to the Council for Nature Conservation and the Countryside.

(3) Without prejudice to paragraphs (1) and (2), the Council for Nature Conservation and the Countryside shall—

- (a) advise the Department on the payment of grants under Article 29(1)( a ) of the Nature Conservation and Amenity Lands Order;
- (b) advise the Department on promotional and educational activities in relation to the conservation of nature or of the countryside.

(4) The Council for Nature Conservation and the Countryside may be heard at any inquiry held under any statutory provision where matters relating to the conservation or protection of nature or of the countryside are involved.

(5) Subject to paragraph (6), the Department shall defray the expenses incurred by the Council for Nature Conservation and the Countryside with the approval of the Department in obtaining legal representation at such inquiry as is mentioned in paragraph (4).

(6) The amount payable under paragraph (5) shall not exceed such amount as may be agreed by the Department with the approval of the Department of Finance and Personnel.

### **Abolition of the Committee for Nature Conservation and the Ulster Countryside Committee**

5.—(1) The Committee for Nature Conservation established under Article 5 of the Nature Conservation and Amenity Lands Order and the Ulster Countryside Committee referred to in Article 11 of that Order shall cease to exist.

(2) In the construction and for the purposes of any statutory provision, judgment, decree, order, award, deed, contract, regulation, byelaw, certificate or other document passed or made before the transfer date, any reference to, or which is to be construed as a reference to, the transferor shall, so far only as may be necessary for the purposes of this Order, be construed as a reference to the transferee.

(3) The transfer of functions by this Order shall not affect any order, regulation, rule, appointment, direction, instruction, approval, requirement or authorisation made or given or other thing done by the transferor before the transfer date, but any such matter shall, if in force immediately before that date, continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the transferee.

(4) Anything commenced before the transfer date by or under the authority of the transferor may, so far as it relates to any function transferred by this Order, be carried on or completed by or under the authority of the transferee.