STATUTORY INSTRUMENTS

1987 No. 458 (N.I. 3)

The Agriculture (Environmental Areas) (Northern Ireland) Order 1987

- - - - - - 18th March 1987

Title and commencement

1.—(1) This Order may be cited as the Agriculture (Environmental Areas) (Northern Ireland) Order 1987.

(2) This Order shall come into operation on the expiration of two months from the day on which it is made.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954 shall apply to Articles 1 and 3 as it applies to a Measure of the Northern Ireland Assembly.

Designation and management of environmentally sensitive areas

3.—(1) If it appears to the Department that it is particularly desirable—

(a) to conserve and enhance the natural beauty of an area;

(b) to conserve the flora of fauna or geological or physiographical features of an area; or

(c) to protect buildings or other objects of archaeological, architectural or historic interest in an area,

and that the maintenance or adoption of particular agricultural methods is likely to facilitate such conservation, enhancement or protection, the Department may, with the consent of the Department of Finance and Personnel, by order designate that area as an environmentally sensitive area.

(2) If the Department considers that any of the purposes mentioned in paragraph (1)(a) to (c) is likely to be facilitated in a designated area by doing so, the Department may make an agreement with any person having an estate in agricultural land in, or partly in, the area by which that person agrees in consideration of payments to be made by the Department to manage the land in accordance with the agreement.

(3) An order under this Article designating an area may specify—

(a) the requirements as to agricultural practices, methods and operations and the installation or use of equipment which must be included in agreements under paragraph (2) as respects land in the area;

[[F1](aa) the requirements as to public access which may be included in such agreements;**]**

(b) the period or minimum period for which**[**F1 requirements included in such agreements under sub-paragraph (a) or (aa) must be imposed**]**;

(c) the provisions which must be included in such agreements concerning the breach of such requirements; and

(d) the rates or maximum rates at which payments may be made by the Department under such agreements and the matters in respect of which such payments may be made.

(4) Subject to paragraphs (1) to (3), an agreement under paragraph (2) may contain such provisions as the Department thinks fit and, in particular, such provisions as it considers are likely to facilitate such conservation, enhancement or protection as is mentioned in paragraph (1).

(5) The Department shall not make an agreement with any person under paragraph (2) in respect of any land unless that person has certified to the Department that, in relation to that land, he is entitled to one of the estates specified in paragraph (6).

(6) The estates referred to in paragraph (5) are the following, namely—

(a) a legal or equitable fee simple, a legal or equitable fee tail, or a legal or equitable life estate;

(b) a tenancy of which not less than eight years of its term remains unexpired;

(c) an equity of redemption in relation to a mortgage of any of the above estates;

but do not include a legal or equitable fee simple, fee tail or life estate to which a person is entitled as a mortgagee, or a mortgage term, except where the mortgagee is in possession.

(7) The provisions of an agreement under paragraph (2) with any person having an estate in any land shall, unless the agreement otherwise provides, be binding on persons deriving title under or from that person and be enforceable by the Department against those persons accordingly.

(8) Where agreements have been made under paragraph (2) with persons having an estate in land in a designated area the Department shall arrange for the effect on the area as a whole of the performance of the agreements to be kept under review and shall publish such information as it considers appropriate about those effects.

(9) This Article applies to land an estate in which belongs to Her Majesty in right of the Crown or to a government department or which is held in trust for Her Majesty for the purposes of a government department, but no agreement under paragraph (2) shall be made as respects land referred to in this paragraph without the consent of the appropriate authority.

(10) An order under this Article shall be subject to negative resolution.

(11) In this Article—

"agricultural" has the same meaning as in the Agriculture Act (Northern Ireland) 1949;

"the appropriate authority" in relation to any land, means—

(a) in the case of land belonging to Her Majesty in right of the Crown, the Commissioners of Crown Estates or government department having the management of the land in question;

(b) in the case of land belonging to a government department, or held in trust for Her Majesty for the purposes of a government department, that department; and if any question arises under this Article as to what authority is the appropriate authority, that question shall be referred to the Department of Finance and Personnel, whose decision shall be final;

"the Department" means the Department of Agriculture;

"government department" means a Northern Ireland department or a department of the Government of the United Kingdom;

"tenancy" includes a tenancy created by an agreement for a lease and a tenancy created under any enactment.