

## 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”).

(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:—

<i>Column 1</i>	<i>Column 2</i>
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

## 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 II

## LIMITATIONS AND CONDITIONS

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.

FORM No. 3

## PUBLIC PATH DIVERSION 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 [in the interests of the [owner] [lessee] [occupier] (here give name) of land crossed by the public path referred to in paragraph 1 of this order] [in the interests of ] it is expedient that the line of the path referred to in paragraph 1 of this order should be diverted];

[Whereas the Department of the Environment for Northern Ireland is satisfied that it is necessary that the line of the public path referred to in paragraph 1 of this order should be diverted to enable development to be carried out [in accordance with planning permission] [by a government department];

[And whereas the (name of District Council) have consulted the Department and other appropriate bodies under 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) have consented to the diversion of the path which lies partly within [its district] [their districts]];

[And whereas has agreed to [contribute towards] [defray] [any compensation which becomes payable in consequence of the coming into operation of this order:] [any expenses which are incurred in bringing the new site of the path into a fit condition for use by the public:];

Now therefore the (name of order-making authority) in exercise of the powers conferred on it by [Article 15] [Article 16] of the Order and of every other power enabling it in that behalf hereby make the following order:—

1. The public right-of-way over the land described in A of [Part I of] 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 paragraph 1 of this order the (name of statutory undertaker) shall have the following rights over the land referred to in the said paragraph, namely:—

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

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

[5. (Provisions regarding expenses or responsibility for maintenance in terms of Articles 18(5) and (6) of the Order)].

6. This order may be cited as the (name of authority and name or reference of path) Public Path Diversion Order 19

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

Date

SCHEDULE

[PART I]

A

DESCRIPTION OF SITE OF EXISTING PATH

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

B

DESCRIPTION OF SITE OF NEW PATH

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

[PART II]

LIMITATIONS AND CONDITIONS

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

## SCHEDULE 2

Regulation 4

## FORM OF ACCESS ORDER

## ACCESS ORDER

Access to the Countryside (Northern Ireland) Order 1983

(Name of District Council)

*(Title of Order)*

Whereas Part III of the Access to the Countryside (Northern Ireland) Order 1983, (hereinafter referred to as "the Order") makes provision for enabling the public to have access for open air recreation to open country to which the provisions of Article 26 of the Order are applied by an access order made under the said Part III;

Now therefore (name of District Council), (hereinafter referred to as "the Council") in pursuance of the powers conferred on it by Article 29 of the Order and other powers enabling it in that behalf hereby makes the following order:

(1) The provisions of Article 26 of the Order shall apply to the land, the boundaries of which are described in Schedule 1 and delineated by the outer edge of the green line on the map[s] annexed to this order and the land so bounded is hereafter referred to as "the land comprised in the order"; provided that the land delineated by the outer edge of a green line and hatched by green vertical hatching on the said map[s] is excepted land as defined in Article 26(5) of and Schedule 3 to the Order.

- (2) (i) The rights conferred on the public by virtue of this order shall, as respects the areas delineated by the outer edge of a green line and dotted green on the map[s] annexed to this order, be subject to the restrictions specified in Schedule 2 during such periods as are specified in the said Schedule.
- (ii) The Council may, by resolution, impose such further restrictions as may be specified in the resolution and shall take such steps as they may consider necessary by advertisement or notice boards or otherwise to give the public notice of such restrictions provided that:—
- (a) such restrictions shall not in any event be operated for more than 2 years from the date of the resolution;
- (b) the Department of the Environment for Northern Ireland may by notice in writing to the Council direct that such further restrictions shall be imposed during such periods as may be specified in the direction, and any such restrictions shall be deemed to have been imposed by resolution by the Council passed at the date of the Department's direction;
- (c) the said Department may, either generally or in any particular case, by notice as aforesaid give directions as to the manner in which notice of any restrictions shall be given to the public.

(3) The provisions set out in Schedule 3 shall apply in pursuance of Article 32 of the Order for providing sufficient means of access to the land comprised in the order.

(4) This order may be cited as the (name of District Council and name or reference of the land comprised in the Order) Access Order 19

Date

(Authenticate in the manner  
appropriate to the Council)

SCHEDULE 1

Verbal descriptions of boundaries of land comprised in the order.

SCHEDULE 2

Details of restrictions imposed by the order.

*Col. 1*

*Col. 2*

*Col. 3*

(Indicate areas to which restrictions are applicable — areas 3, 4, 5, etc.).

(Indicate nature of restriction, e.g., public excluded during periods referred to in Col. 3 at all times and reasons for restrictions, e.g., lambing seasons, shooting season, preservation of rare bird).

(Indicate period of restrictions, e.g., from — to in each year: during such periods as the Council may direct).

SCHEDULE 3

Details of provisions made under Article 32.

## SCHEDULE 3

Regulation 6(3) and (4)

## FORMS OF NOTICES

FORM NO. 1

## NOTICE OF PUBLIC PATH ORDER

Access to the Countryside (Northern Ireland) Order 1983

(Name of District Council)

*(Title of Order)*

\*To (insert name and address of owner, occupier or lessee, as the case may be).

Notice is hereby given that the above order made on 19 is about to be submitted to the Department of the Environment for confirmation or to be confirmed as an unopposed order by the District Council.

The effect of the order if confirmed without modification will be to [create a public path from to ] [extinguish the public right-of-way from to ] [divert the public right-of-way from to to a line from Order 19 to ] [[revoke] [vary] the ], so as to

].

A copy of the order and of the map contained in it together with the statement of the reasons for the making of the order has been deposited at and may be inspected there free of charge during office hours. Copies of the order may also be obtained at a charge of (specify amount per copy).

\*If you wish to have sent to you in due course any notice to the effect that the order has been confirmed and a copy of the order as confirmed, you should write to the (name and address of District Council) giving your name and address to which these documents may be sent.

Compensation for depreciation or damage in consequence of the coming into operation of the order is payable in accordance with Articles 17 and 49 of the above Order.

Any representation or objection with respect to the order may be sent in writing to the (name and address of District Council) before 19, and should state the grounds on which it is made.

If no representations or objections are duly made, or if any so made are withdrawn, the (name of District Council) may instead of submitting the order to the Department of the Environment confirm the order itself. If the Order is submitted to the Department any representations and objections which have been duly made and not withdrawn will be submitted with the order.

Date

(Signature and designation of authorised officer)

NOTES: \*Insert only in a notice to be served.

Omit the words in square brackets where inappropriate.

NOTICE OF ACCESS ORDER

Access to the Countryside (Northern Ireland) Order 1983

(Name of District Council)

(Title of Order)

\*To (insert name and address of owner, occupier or lessee, as the case may be).

Notice is hereby given that the above order made on 19 is about to be submitted to the Department of the Environment for confirmation.

The effect of the order if confirmed without modification will be to enable the public to have access for open air recreation to certain areas of open country in the Townland[s] of in the District[s] of

A copy of the order and of the map contained in it together with the statement of the reasons for the making of the order has been deposited at and may be inspected free of charge during office hours. Copies of the order may also be obtained at a charge of (specify amount per copy).

\*If you wish to have sent to you in due course any notice to the effect that the order has been confirmed and a copy of the order as confirmed, you should write to the (name and address of District Council) giving your name and the address to which those documents may be sent.

Compensation for depreciation or damage in consequence of the coming into operation of the order is payable in accordance with Articles 35, 36, 37, 38 and 49 of the above Order.

Any representation or objection with respect to the order may be sent in writing to the Secretary, Department of the Environment, Hut 6, Castle Grounds, Stormont, Belfast BT4 3SS before 19 and should state the grounds on which it is made.

Date

(Signature and designation of authorised officer)

NOTE: \*Insert only in a notice to be served.

FORM NO. 3

## NOTICE OF [MAKING] [CONFIRMATION] OF PUBLIC PATH ORDER

Access to the Countryside (Northern Ireland) Order 1983

(Name of order-making authority)

*(Title of Order)*

\*To (insert name and address of owner, occupier or lessee, as the case may be).

Notice is hereby given that on \_\_\_\_\_ 19\_\_\_\_, the \_\_\_\_\_ [Department of the Environment] [District Council] [made] [confirmed] [with modifications] the above order.

The effect of the order [as confirmed] is to [create a public path from \_\_\_\_\_ to \_\_\_\_\_] [extinguish the public right-of-way from \_\_\_\_\_ to \_\_\_\_\_] [divert the public right-of-way from \_\_\_\_\_ to \_\_\_\_\_] Order 19\_\_\_\_, so as to \_\_\_\_\_ ] [revoke] [vary] the \_\_\_\_\_ Order 19\_\_\_\_, so as to \_\_\_\_\_ ] .

A copy of the order [as confirmed] and of the map contained in it [is enclosed for your information in accordance with Schedule 1 paragraph 4(2) of the above Order] [has been deposited at \_\_\_\_\_ and may be inspected there free of charge during office hours]. Copies of the order may also be obtained at a charge of (specify amount per copy).

\*Any person who wishes to claim compensation for depreciation or damage in consequence of the coming into operation of the order in accordance with Articles 17 and 49 of the above Order should do so within the time and in the manner prescribed therein. A copy of the Access to the Countryside (Northern Ireland) Order 1983 may be obtained from the Government Bookshop, 80 Chichester Street, Belfast BT1 4JY. The Order is also available for inspection at the offices of (order-making authority).

The order becomes operative as from \_\_\_\_\_ 19\_\_\_\_, but any person aggrieved by the order who desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of the above Order or on the ground that any requirement of that Order or of any regulation made thereunder has not been complied with in relation thereto, may, within 6 weeks from [date on which this notice is first published], make an application for the purpose to the County Court.

Date

(Signature and designation of authorised officer)

NOTES: \*Insert only in a notice to be served.

Omit the words in square brackets where inappropriate.

FORM No. 4

NOTICE OF CONFIRMATION OF ACCESS ORDER

Access to the Countryside (Northern Ireland) Order 1983

(Name of District Council)

(Title of Order)

\*To (insert name and address of owner, occupier, or lessee, as the case may be).

Notice is hereby given that on 19 , the Department of the Environment confirmed [with modifications] the above order.

The effect of the order as confirmed is to enable the public to have access for open-air recreation to certain areas of open country in the Townland[s] of in the District[s] of

A copy of the order as confirmed and of the map contained in it [is enclosed for your information in accordance with Schedule 1 paragraph 4(2) of the above Order] [has been deposited at and may be inspected free of charge during office hours]. Copies of the order may be obtained at a charge of (specify amount per copy).

\*Any person who wishes to claim compensation for depreciation or damage in consequence of the coming into operation of the order in accordance with Articles 35, 36, 37, 38 and 49 of the above Order should do so within the time and in the manner prescribed therein. A copy of the Access to the Countryside (Northern Ireland) Order 1983 may be obtained from the Government Bookshop, 80 Chichester Street, Belfast BT1 4JY. The Order is also available for inspection at the offices of (District Council).

The order becomes operative as from 19 , but any person aggrieved by the order who desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of the above Order or on the ground that any requirement of that Order or of any regulation made thereunder has not been complied with in relation thereto, may, within 6 weeks from [date on which this notice is first published], make an application for the purpose to the County Court.

Date

(Signature and designation of authorised officer)

NOTES: \*Insert only in a notice to be served.

Omit the words in square brackets where inappropriate.

## SCHEDULE 4

Regulation 6(6)

## ADDITIONAL BODIES TO BE SERVED WITH NOTICE OF PUBLIC PATH ORDERS AND ACCESS ORDERS

British Horse Society (Northern Ireland Region)  
Ulster Federation of Rambling Clubs  
Ulster Society for the Preservation of the Countryside  
Federation of Mountaineering Clubs of Ireland

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations provide for various procedural matters which are required to be prescribed by the Access to the Countryside (Northern Ireland) Order 1983.

Regulation 3 provides for the form of orders required under Part II of the Order to provide for the creation, extinguishment and diversion of public paths.

Regulation 4 provides for the form of order required under Part III of the Order to provide for public access to open country.

Regulation 5 describes the form of map to be attached to an order providing for public access to open country and the form of map which a district council is required to keep and make available to the public indicating land which gives access or forms part of access to open country.

Regulation 6 deals with the procedure to be followed in connection with the making and confirmation of access orders and public path orders and the prescription of certain bodies to be served with notice of the making and confirmation of orders.