

ACT NO. 63 OF 19 JUNE 1970 RELATING TO NATURE CONSERVATION (THE NATURE CONSERVATION ACT), as subsequently amended, most recently by Act No. 59 of 25 August 1995

CHAPTER I. OBJECTIVES AND GENERAL PROVISIONS

Section 1.

Natural habitats and the wild flora and fauna (the natural environment) are national assets that must be protected.

Nature conservation means the management of natural resources on the basis of the close interdependence between mankind and nature, and the need to maintain the qualities of the natural environment for posterity.

Every person must show consideration and care in his contact with the natural environment.

Any disturbance of or intervention in the natural environment should only take place on the basis of long-term, all-round management of natural resources, which takes into account the preservation of the natural environment in the future as the basis for human activity, health and well-being.

Section 2.

Any person who is planning major works, construction or activities that will involve substantial changes in the character of the landscape or appreciable damage to the natural environment otherwise shall, before such activities are initiated, submit the matter to the competent authority pursuant to this Act for consideration. If development, construction or other activities will entail damage to the landscape or the natural environment otherwise, measures must be implemented to limit or counteract the damage to a reasonable extent.

The King will lay down further regulations governing the implementation of these provisions, including rules concerning the works, construction and activities to which the provisions apply, and time limits within which the competent authority must express an opinion. The regulations may include prohibitions against initiating such works, construction or activities as are mentioned above before the competent authority has expressed an opinion.

If it is presumed that such works, construction or activities as are mentioned in the first paragraph will involve substantial damage to assets of scientific importance, the King may prescribe that scientific studies shall be undertaken within a specified time limit before such works, construction or activities begin, and that the cost of such studies shall to a reasonable extent be met by the developer or by the person responsible for the activity.

CHAPTER II. CONSERVATION OF PARTICULAR AREAS OF NATURAL HABITAT AND NATURAL FEATURES

National parks

Section 3

In order to preserve large areas of natural habitat that are undisturbed or largely undisturbed, distinctive or beautiful, areas of land owned by the state may be designated as national parks. Land of the same type which is not state-owned but which lies within or adjacent to such areas as are mentioned in the first sentence may be designated as national parks together with state-owned land.

In national parks, the natural environment shall be protected. The landscape and the flora, fauna, natural features and archaeological and architectural monuments and sites shall be protected against development, construction, pollution and other disturbance.

Section 4.

The decision to designate an area as a national park will be taken by the King, who will issue further provisions concerning the area and its management, including the protection of the flora and fauna.

Protected landscapes

Section 5.

In order to preserve distinctive or beautiful areas of natural or cultural landscape, areas may be designated as protected landscapes. In a protected landscape, no measures may be initiated which may substantially alter the nature or character of the landscape. In cases of doubt, the county governor will decide whether a measure may be considered likely to alter the nature or character of the landscape significantly.

Section 6.

The decision to designate an area as a protected landscape will be taken by the King, who may lay down further provisions concerning the area, its management and its use.

Section 7.

The provisions of sections 5 and 6 do not apply to areas included in local development plans pursuant to the Planning and Building Act.

Nature reserves

Section 8.

Areas where the natural environment is undisturbed or largely undisturbed or of a special type, and which are of special scientific or educational interest or which stand out because of their distinctive character, may be protected and preserved as nature reserves. An area may be totally protected or protected for specific purposes as a forest reserve, mire reserve, bird reserve or the like.

Section 9.

In areas of particular importance for plants or animals which are protected and preserved pursuant to section 13 or 14, development, construction, pollution and other disturbance may be prohibited to preserve their habitat.

The same applies to plant or animal habitats which are or will be protected by or pursuant to other legislation.

Section 10.

Decisions pursuant to sections 8 and 9 will be made by the King, who may lay down further provisions concerning such areas and their management.

Natural monuments

Section 11.

Geological formations and botanical or zoological features which are of scientific or historical interest or distinctive may be protected and preserved as natural monuments.

The area around such a formation or feature may be designated as part of the natural monument if this is considered necessary for its protection.

The provisions of the first and second paragraphs apply correspondingly to waterfalls and other parts of river systems.

Section 12.

Decisions pursuant to section 11 will be made by the King, who will lay down further provisions concerning the implementation of protection and preservation measures and the management of the natural monument.

CHAPTER III. SEPARATE PROVISIONS RELATING TO THE PROTECTION AND PRESERVATION OF PLANTS AND ANIMALS

Section 13.

The King may prescribe that wild plant species or plant communities which are rare or in danger of disappearing shall be protected and preserved throughout the country or in specific areas.

Section 14.

The King may prescribe that animal species or animal communities which are rare or in danger of disappearing shall be protected and preserved throughout the country or in specific areas.

In an area of particular importance as a habitat for a number of species, mammals and birds may be protected and preserved.

Decisions made pursuant to the first and second paragraphs also apply to the lairs, nests and eggs of such species.

Protection may be limited in time.

CHAPTER IV. PROTECTION OF THE LANDSCAPE AND NATURAL ENVIRONMENT

Section 15.

Free-standing advertizing signs or devices, or inscriptions, drawings or devices affixed on buildings, trees, rocks, stones etc for the purpose of advertisement, may not be placed outside built-up areas. In special cases, the county governor may subject to further conditions grant exemptions from this provision after obtaining a statement from the municipality in question. In cases of doubt, the county governor will determine what is to be considered a built-up area.

This prohibition does not apply to signs, etc which specify the name and type of an enterprise, or to advertisements for goods supplied by an enterprise and which are erected on its own property.

Section 16.

(Repealed by Act No. 6 of 13 March 1981.)

CHAPTER V. THE STATE COUNCIL FOR THE CONSERVATION OF NATURE

Section 17

(Repealed by Act No. 16 of 8 June 1990)

CHAPTER VI. CERTAIN RULES OF ADMINISTRATIVE PROCEDURE

Section 18

1. When protection measures pursuant to this Act are initiated, the counties and municipalities affected shall be contacted to discuss delimitation of the area concerned, the substance of the protection provisions and any other issues of importance for municipal and county planning.

The nature conservation authorities shall publish a notice, as a general rule in at least two newspapers that are widely read locally, in which they give an account of the planned protection measure and the consequences it is expected to have. As far as possible, landowners and other holders of rights should be informed by letter and be given a reasonable time limit for submitting comments before a proposal is drawn up.

At an early stage in the preparations, steps shall be taken to ensure cooperation with any public authorities, organizations, etc which have a special interest in the protection measures in question.

2. When a proposal for protection measures has been drawn up, notification that such proposal has been deposited for public perusal shall be published in the Norwegian Gazette and in at least two newspapers that are widely read locally. The announcement shall describe the area

to which the proposal applies and shall give a reasonable time limit for submitting comment, which must not be less than six weeks from the time when the notice is published. As far as possible, landowners and other holders of rights should be informed by letter.

In connection with the announcement, the matter shall be submitted to the county authorities and to any government agencies involved for comment.

3. Before a decision on protection measures is taken, the proposal shall be submitted to the municipal council. A time limit may be set for the municipal council to submit any comments.

4. The Ministry may make a prior decision to give temporary protection to the area until the matter is finally decided.

Section 19.

Decisions made pursuant to Chapters II and III and to subsection 3 of section 18 shall be published in *Norsk Lovtidend* (the Norwegian Law Gazette) and in one or more newspapers in the district.

The decision shall be communicated to the owner and user and to the municipalities in question.

If the decision concerns one or more specified properties, it shall be judicially registered in respect of the property in question. In other cases, a note of the decision shall at the request of the ministry concerned be made in the land register for those properties which there is reason to believe will be significantly affected by the decision.

CHAPTER VII. COMPENSATION AND REDEMPTION

Section 20.

The owners and holders of rights to properties which are protected pursuant to sections 8, 9 and 11 are, in accordance with the provisions of the second and third paragraphs, entitled to compensation from the state for financial losses resulting from the decision.

The amount of the compensation shall be determined in accordance with the provisions of Act No. 17 of 6 April 1984 relating to compensation for expropriation of real property. When applying section 10 of the said Act, the date from which protection is effective shall be used.

If foreseeable changes in the future use of the property are taken into account when calculating the amount of the compensation, public grants that would in such cases be provided for changes of use shall not be taken into consideration in determining the amount of the compensation.

Section 20a.

Claims for compensation arising from decisions pursuant to sections 8, 9 and 11 must be submitted to the county governor in writing within one year of the announcement of the

decision. The Ministry may extend this time limit, and may also allow the claim to be reinstated in the case of failure to observe the time limit. In such cases, the provisions of sections 153 - 158 of the Courts of Justice Act apply insofar as they are appropriate. The submission of a claim interrupts the course of statutory limitation pursuant to Act No. 18 of 18 May 1979.

If the parties fail to agree on the amount of the compensation to be provided, the question shall be settled by judicial assessment. The state will apply for such assessment. This shall be done at the latest six months after the time limit set out in the first paragraph has expired. The third paragraph of section 54 of Act No. 1 of 1 June 1917 relating to judicial assessment in expropriation cases applies correspondingly.

Section 20b.

In accordance with general legal principles, claims may be submitted for compensation from the state for financial losses resulting from decisions pursuant to sections 3 and 5 and to the third paragraph of section 18 of this Act. Unless otherwise agreed, the question will be decided by judicial assessment on application by one of the parties within one year of the date on which the decision is announced. The Ministry may extend this time limit. In such cases, the provisions of sections 153 - 158 of the Courts of Justice Act apply insofar as they are appropriate.

Section 20c.

If all or part of a property is affected by a decision pursuant to this Act in such a way that it can no longer be used in a profitable manner, the owner may submit a claim for the state to redeem such property. Unless otherwise agreed, the question of whether the conditions for redemption are fulfilled will be decided during the judicial assessment when the amount of the compensation is determined. An application for judicial assessment must be submitted within one year of the date on which the decision to protect the area is announced. The third and fourth sentences of section 20b apply correspondingly.

CHAPTER VIII. MISCELLANEOUS PROVISIONS

Section 21.

The King will issue provisions relating to signs, etc to indicate protection pursuant to Chapters II and III and relating to the measures necessary to protect the area, species, formation or feature in question.

Section 22.

In protected landscapes, nature reserves, natural monuments and areas to which prohibitions pursuant to section 9 apply, the King may prohibit any passage or traffic throughout the year or for part of the year if this is considered to be necessary to preserve the flora or fauna or geological formations.

In national parks, the King may in the same way prohibit motor traffic and may also, within further delimited areas, regulate any other passage or traffic if so required in the interests of the natural environment and the factors mentioned in the first paragraph.

These provisions do not apply to any passage or traffic during the course of police, fire brigade or ambulance operations or for safety purposes.

Section 23.

The King may grant exemptions from decisions concerning protection and preservation provisions for specific institutions or specific persons for the purposes of scientific studies or work or measures of importance to the public interest, or if the objective of the protection measure so requires.

Section 24

Any person who wilfully or negligently contravenes any prohibition issued pursuant to this Act, or to section 15, or who is accessory thereto, is liable to a fine or imprisonment for a term not exceeding one year. Under particularly aggravating circumstances, imprisonment for a term not exceeding two years may be imposed.

Any contravention is to be regarded as a misdemeanour.

Any attempt at contravention is a criminal offence.

Section 25.

This Act enters into force on 1 July 1970, though section 2 shall not enter into force until the King so prescribes.

From the same date, the Act of 1 December 1954 relating to nature conservation is repealed.

Decisions made pursuant to the Act of 1 December 1954 relating to nature conservation shall continue to apply insofar as they are not in conflict with provisions of or pursuant to this Act.