

ENGLISH TRANSLATION
PRELIMINARY EDITION



NATURE CONSERVATION ACT.

No. 47/1971

The President of Iceland makes known:

The Althingi has passed this Act and I confirm it with my consent:

The Aim of Nature Conservation.

Art. 1.

The aim of this Act is to encourage the intercourse of Man and Nature in such a way that life or land be not needlessly wasted, nor sea, fresh water or air polluted.

The Act shall ensure as far as possible the course of natural processes according to their own laws, and the protection of exceptional and historical aspects of Icelandic nature.

The Act shall enhance the nation's access to and familiarity with Nature.

The Administration of Nature Conservation.

Art. 2.

The Ministry of Culture and Education is in charge of all matters respecting the conservation of nature.

Art. 3.

In each county and town, and in the city of Reykjavík, a nature conservation committee of three to seven members shall be established. The county, town, or city, council decides upon the number of members, elects them for a term of four years and appoints a chairman. An equal number of alternates shall be elected for the same period.

The role of the nature conservation committees is to further nature conservation in their district, i.e. by means of advice and proposals to local authorities, the Nature Conservation Convention and the Nature Conservation Council.

Art. 4.

The Nature Conservation Convention assembles every third year. Its role is to discuss nature conservation and propose priorities for the most urgent conservation matters to be resolved.

The following parties may attend the Nature Conservation Convention:

- 1.A representative elected by each nature conservation committee.
2. One representative for each of the following associations: The Icelandic Humane Association, The Tourist Council of Iceland, The Icelandic Society for the Protection of Birds, The Society of Icelandic Natural Scientists, The Icelandic Natural History Society, Landvernd The Iceland Environment Union, The Joint Association of Icelandic Guides and Scouts, The Forestry Association, The Association of Chartered Engineers in Iceland, The Farmer's Union, The Icelandic Youth Association, The Federation of Icelandic Youth Organizations, The Icelandic Youth Hostels' Federation, The Touring Club of Iceland, The Union of Local Authorities in Iceland, The Icelandic Federation of Labor, The Confederation of Icelandic Employers, The Agricultural Society of Iceland, The Association of Icelandic Architects and nature conservation Associations.
3. Three representatives from the Museum of Natural History in the fields of geology, botany and zoology.
4. One representative from each parliamentary party in the Althing.
5. The Nature Conservation Council.
6. The following officials: The Director of the Agricultural Society of Iceland, the Director of Civil Aviation, the Director of the National Research Council, the Director of the State Soil Conservation Service, the Chief Medical Officer of Health, the Chairman of the Committee on Toxic Substances, the State Director of Shipping, The Chief Veterinary Officer, the Director of the Agricultural Research Institute, the Director of the Marine Research Institute, a representative of the University of Iceland, the Director of the National Energy Authority, the State Town Planning Director, the Director of the Iceland Forest Service, the Director of the Public Roads Administration, the Director of Freshwater Fisheries, the Director of the National Museum and a representative from the Ministry of Culture and Education.
7. The number of attendants to the Nature Conservation Convention may be increased by means of Regulations.

Art. 5.

The Nature Conservation Council will assemble the Convention, prepare an agenda and present a report on its activities to the convention. The Chairman of the Council opens the Convention and directs proceedings until a President has been elected. The Convention decides on its rules of order.

Attendance at the Nature Conservation Convention is unsalaried but the parties concerned pay all expenses for their representatives. Other expenses incurred by the Convention shall be paid by the State Treasury in accordance with the Minister's decision.

Art. 6.

The Nature Conservation Council is composed of seven members. Six of them shall be elected by means of open election by the Nature Conservation Convention, with the exception of the representatives under art. 4, paragraph 6. The seventh shall be appointed by the Minister of Culture and Education, prior to the election, and he shall be the Chairman of the Council. An equal number of alternate members shall be elected in the same manner and for the same period of time.

Art. 7.

The Nature Conservation Council shall execute nature conservation measures as set forth in this Act. The Council shall take the initiative in public instruction about conservation, i.e. through publications, schools and mass media.

The Council shall maintain close co-operation with voluntary conservation organizations, i.e. by means of promoting regional meetings on nature conservation.

Art. 8.

The Nature Conservation Council maintains a bureau and engages a director to manage it. Expenses shall be paid by the State Treasury.

Payment of Expenses Incurred by the Implementation of this Act.

Art. 9.

Before the end of May each year the Nature Conservation Council draws up a budget that expected expenditures resulting from the implementation of the Act during the coming calendar year and forwards this to the Ministry of ~~Culture and Education~~.

the Environment

Art. 10.

Expenses incurred through the implementation of this Act shall be paid by the State Treasury in accordance with allocations for this purpose in the Budget.

The Public's Right of Access to Nature and Public Conduct.

Art. 11.

Everyone is entitled to free passage through, and stay in, areas lying outside the property of registered farms for legitimate purpose.

Walkers may pass through privately owned ground, provided it is uncultivated and unfenced, and also provided that their stay does not disturb livestock or cause inconvenience to those holding legal rights to the land.

On fenced ground, the permission of the owner is required for the purpose of passing through or staying on the land. The same applies to cultivated land.

Art. 12.

The public is permitted to pick wild berries in uncultivated areas for immediate consumption.

Everyone is permitted to pick berries in areas lying outside the property of registered farms.

The Nature Conservation Council may prohibit the use of tools or implements for the picking of berries if there is reason to fear that this may cause damage to vegetation.

Art. 13.

Everyone shall take care to avoid unnecessary damage to the nature of the country. Damage to nature, committed in an illegal way, whether intentionally or inadvertently, is punishable.

The Nature Conservation Council shall lay down rules relating to the driving of vehicles and the conduct of travellers in uninhabited areas, including the marking of automobile trails. It is the duty of the Council to prohibit all unnecessary driving outside roads and marked trails, where this can cause the revage of nature. The Council shall also make proposals to the appropriate parties about the laying of automobile trails in uninhabited areas and how they should be marked or lay down direct insturctions concerning this.

In the open countryside it is prohibited to throw away or leave behind refuse which can constitute danger of defilement, or deposit such waste or refuse into the sea, on beaches or sea coasts, into rivers or on river banks, streams or on streambanks. Rest areas and camping grounds shall at all times be left clean and tidy, and nothing must be left behind which despoils the environment.

It is forbidden to accumulate refuse into heaps in public places or by the roadside. Refuse heaps must be kept in such a condition that objects can neither blow nor float away. Refuse may be cleared away at the expense of the party who has been proved guilty of violating this instruction.

Art. 14.

Vegetation must not be damaged or ruined unnecessarily, either by the tearing up of moss, heaths or shrubs or in any other manner, nor shall water supplies, whether rivers, brooks, lakes or wells, be polluted. Further details of this shall be laid down in Regulations.

Art. 15.

Where buildings, beached ships, motor vehicles, machinery or constructions, including fences, have been left in neglect to disintegrate, and they are considered a defilement or damage to nature, the owner must remove them. In the event that a farm is abandoned the owner is required to leave all farm buildings, fences water wells, and other constructions in such condition that the do not blemish the surroundings or endanger man or beast.

The local authorities shall carry out such measures as are needed to conform with this article, at the owner's expense, if he has neglected to do so.

Art. 16.

In open air gathering places, recreation areas, public parks and other places where the public may gather, essential sanitary facilities shall be installed prior to such places' being taken into use.

Art 17.

Anyone is permitted to mine gravel, sand, rock, scoria and pumice on his estate, provided this does not conflict with articles 22 - 26. The local authority concerned may, having sought the opinion of the nature conservation committee, prohibit any mining if it is of the opinion that this will disturb exceptional landscape or noteworthy natural phenomena. The decision of a local authority may be appealed to the Ministry of Culture and Education, which passes final judgement on the matter, having received the opinion of the Nature Conservation Council. In public land all excavation of earth materials mentioned in the first paragraph of this article is prohibited without permission from the Ministry of Culture and Education after prior consultation with the Nature Conservation Council.

Material for road consturction shall be subject to the Road Act.

Art. 18.

If the landscape has been disturbed through construction work, the excavation of gravel, sand, rock, scoria or by other activities of man, those who have caused such disturbance of the landscape shall be required to restore the site. The Nature Conservation Council shall issue instructions on the condition in which sites shall be left and can i.a. set a time limit within which restoration work shall be completed.

Art. 19.

It is prohibited to erect advertising billboards alongside roads or elsewhere outside densely populated areas. Unobtrusive advertising of business operations, services or goods on sale shall, however, be permitted on the property where such activity or production takes place.

Signposts providing guidance on routes, the names of farms, rest areas, national parks and protected areas do not come under the provisions of this Article.

The Nature Conservation Council issues further rules concerning advertising in accordance with this article and decides upon matters in doubt.

Art. 20.

The free passage of pedestrians must not be hindered by placing buildings, fences or other constructions on beaches, lake shores or river banks. These provisions shall not apply to constructions or building which are necessary for the conduct of economic activities, including the private dwellings of farmers, nor those buildings or constructions which are erected with the permission of the appropriate authorities in planned areas, nor shall they apply to constructions which were erected prior to the coming into force of this Act.

Art. 21.

In municipalities which are not subject to planning regulations it is prohibited to build a summer house without consent from the local authorities.

Prior to granting a permission to build a summer house the local authorities shall seek the opinion of the local nature conservation committee.

The Ministry of Culture and Education will issue further regulations on the building of summer houses stipulating i.a. that the Nature Conservation Council shall pass an opinion on the location and planning of groups of summer houses.

The term summer house shall mean a house erected for the purpose of being a dwelling place during the summer but only occasionally in winter, such as on weekends.

When building a summer house, the rules of the health authorities shall always be observed, regarding septic tanks, oil tanks and other potential causes of pollution.

Declaration of Protection of Natural Phenomena and Establishment of Recreation Areas.

Art. 22.

The Nature Conservation Council can declare the protection of unusual natural phenomena, such as waterfalls, volcanic sites, caves, rock formations, as well as localities where fossils and rare stones are found, when it is considered important to preserve them for their scientific value, beauty

or uniqueness. Natural phenomena protected in this way are called natural monuments.

The area around a natural monument shall be preserved, as necessary for its appreciation. This must be clearly stated when declaring the natural monument, and marked on the site.

Natural monuments must not be destroyed, damaged or changed except on instructions from the Nature Conservation Council.

Art. 23.

The Nature Conservation Council can declare the protection of scientifically or culturally important plants or animals in order to prevent their disturbance, decrease or extinction.

Protection can be applied either locally or to the whole country.

If it is thought that proposed projects will so disrupt the natural environment that particular plants or animals become threatened with extinction or serious damage, the Nature Conservation Council can include a ban on such projects in its declaration of protection, having first obtained the opinion of institutions competent in that particular field.

Art. 24.

The Nature Conservation Council can declare the protection of entire areas, which it is important to preserve because of unusual landscape, vegetation or animal life. Such areas are called nature reserves. No disruption of nature or constructions are allowed there which detract from the appearance of the land. The declaration of protection shall further specify the extent of protection, to what extent activities on the land are limited, traffic and the public right of passage, and the uses of fishing and hunting rights. A declaration of protection may also be accompanied by instructions about necessary actions enhancing the public's enjoyment of the area, such as the building of foot paths, fences etc.

Nature reserves must not be disrupted, either by the owner of the land, its tenant or any other party, beyond the instructions of the declaration of protection.

The Nature Conservation Council can if necessary grant exemptions from the instructions in the declaration of protection.

Art. 25.

In an area of exceptional landscape, vegetation or animal life, or historical significance, and thus deemed worthy of preservation and suitable for public access in accordance with specified rules, the Nature Conservation Council can declare the establishment of a national park, provided the area is owned by the State.

The Nature Conservation Council administers national parks and issues regulations about their management and use by the public.

Necessary sanitary facilities shall be erected in national parks, as well as camping sites, footpaths and other facilities which render easier public usage of the area and prevent damage. In each national park the public shall be provided with guidance about major routes through the protected area.

Art. 26.

When one or more municipalities desire a certain area to be declared a recreation area, they shall request from the Nature Conservation Council. They shall state the boundaries for the area, and what limitations the declaration of recreation area will place in the owner's right to the land in question as well as any other relevant information.

If the Nature Conservation Council agrees with the proposal, the intention to establish a recreation area and its proposed boundaries shall be announced in the Official Gazette, and by other

means according to local custom. In this announcement there will be a further explanation of possible limitations to the right of usage by the landowner. Furthermore it shall be stated that those who do not make an objection to the establishment of a recreation area within a specified time, which must not be shorter than 8 weeks, are considered to be in agreement with this decision and have thereby forfeited all rights to possible compensation.

When the time limits mentioned in paragraph 2 are over, the Nature Conservation Council shall decide whether the objections which may have been received are important enough to change the original plan or abandon it. The representatives of the municipalities mentioned in paragraph 1 shall be given an opportunity to be present when this is discussed.

If the Nature Conservation Council and the representatives of the municipalities in question agree to adhere to the decision to establish a recreation area, whether or not it has been altered, the Nature Conservation Council shall act to get court-appointed appraisers to evaluate damages for losses, which parties who file objections in accordance with paragraph 2 may sustain when a recreation area is established. The appraisal will be carried out in accordance with Act. Nr. 61/1917.

When a final appraisal becomes available, the opinion shall be sought of the municipalities concerned, whether they desire a formal decision on the establishment of a recreation area.

If they so request and the Nature Conservation Council agrees, the Council shall make a special resolution on the establishment of a recreation area, and this shall be published in the Law and Ministerial Gazette.

The municipalities concerned will pay all expenses which directly accrue from the establishment and maintenance of a recreation area, in so far as there are no allocations from the State Treasury. These expenses shall be divided in proportion to the number of inhabitants in the municipalities concerned, in the preceeding year. If a municipality withdraws participation in the preparation for the establishment of a recreation area, it is obliged to pay accrued expenses proportionally.

Municipalities which maintain a recreation area, establish a joint committee which works in consultation with the Nature Conservation Council. A treaty of co-operation stipulates the number of committee members and their manner of conducting business. Unless otherwise stipulated, a majority vote prevails. When dealing with subjects which involve special expenditures, the voting right is, however, proportional to financial contributions.

When disputes arise concerning the interpretation of this article or other questionable points arise regarding the maintenance of recreation areas, the Nature Conservation Council will arbitrate, but their decision may be appealed to the Minister for final arbitration.

Art. 27.

To support public outdoor activity, the Nature Conservation Council can take the initiative in keeping open paths, beaches for sea-bathing, lake shores and other areas, to which there is reason to maintain access so as to facilitate public enjoyment of nature. Furthermore the Council can construct foot-bridges and stairs over fences and demarcate camping grounds and take other measures necessary for this purpose.

Any action taken under this article shall be subject to the consent of the landowner.

Implementation of Declarations of Protection.

Art. 28.

The Nature Conservation Council shall, with the aid of nature conservation committees, seek to be informed of natural monuments deemed worthy of protection, as well as areas in which it may become desirable to establish nature reserves, national parks or recreation areas. The Council

compiles a register of such natural features and areas.

If the Nature Conservation Council finds reason to declare protection or to implement other conservation measures in accordance with this Act it shall endeavour to reach an agreement with landowners, local authorities and other parties whose interests are involved. If an agreement is reached, this shall be recorded and confirmed by all concerned.

Art. 29.

If there is danger that a proposed construction activity or earthmoving will cause permanent change in landscape, damage of noteworthy natural features, or lead to the pollution of air or water, it is obligatory to seek the opinion of the Nature Conservation Council before commencing work on the project in question.

If this is neglected the Nature Conservation Council can demand the assistance of the Chief of Police to prevent work from being commenced or continued.

Power stations, factories and other large project shall be designed in consultation with the Nature Conservation Council. The same applies to road construction leading to these constructions.

The Ministry of ~~Culture and Education~~ issues further regulations in accordance with this article.

the Environment

Art. 30.

If the Nature Conservation Council decides to declare a protected area without having previously obtained the approval of owners, rightholders or the municipality concerned, the Council shall draw up a proposal for such a declaration.

This proposal shall be sent to landowners, occupants and other rightholders who may be affected by this action as well as to the local authorities concerned. They shall be given the opportunity to pass an opinion on the declaration of protection, present objection or submitting claims for compensation from the Nature Conservation Council within a period of four months. The proposal shall furthermore state that if claims are not received within that time, they will not be recognized in the declaration of protection.

Art. 31.

If objections to a declaration of protection or claims for compensation are received, the Nature Conservation Council can again attempt to reach an agreement on such claims and alter the terms of the declaration of protection according to the objection, provided the alteration in no way impairs the rights of others.

Art. 32.

Decisions of the Nature Conservation Council concerning protection or declaration of protection do not come into force until approved by the Ministry of ~~Culture and Education~~.

the Environment

Art. 33.

the Environment

When a final decision has been reached, in accordance with art. 32, concerning declarations of protection and terms of protection, the Ministry of ~~Education~~ will publish these in the Law and Ministerial Gazette, and they take effect on the day they are published.

They shall also be displayed on the site in so far as this is possible and necessary in the opinion of the Nature Conservation Council.

Miscellaneous provisions.

Art. 34.

The sale of land, which in part or whole has been placed in the register of natural phenomena in accordance with article 28, shall be subjected to the provisions of Act N. 40, April 5th, 1948, in such manner that the State Treasury shall have the option after the parties granted priority in that Act.

Act. 35.

The Ministry of ~~Culture and Education~~ ^{the Environment} has the authority to expropriate land, constructions and rights in order to execute conservation measures provided for in this Act.

Act. 36.

Whoever suffers financial loss due to the execution of the provisions of this Act, is entitled to compensation from the State Treasury. If an agreement cannot be reached on the compensation, it shall be decided under the terms of the Act on expropriation No. 61/1917.

Act. 37.

Violations of this Act and Regulations issued in accordance with it, are punishable by fine or imprisonment.

Fines shall revert to the State Treasury.

Daily fines which revert to the State Treasury not exceeding 2.000.- krónur can be imposed to impel the public to carry out their duties in accordance with this Act, or to discontinue unlawful activities.

The Ministry of ~~Culture and Education~~ ^{the Environment} issues Regulations specifying the execution of this Act.

Act. 38.

This Act enters into force immediately. At the same time the Act on Nature Conservation No. 48, April 7th, 1956, is invalidated.

Act No. 59/1928, on the conservation of Thingvellir, stays in force in spite of this Act entering into force.

Temporary Provisions.

The Nature Conservation Council which was appointed according to the Act on Nature Conservation, No. 48, April 7th, 1956, shall work according to this Act until a new Council has been elected. The Nature Conservation Convention shall be convened within a year from the coming into force of this Act.

County, town and city authorities shall have completed the elections of nature conservation committees no later than 8 months after this Act comes into force.

Done in Reykjavik, April 16th, 1971.

Kristján Eldjárn.

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Gylfi Þ. Gíslason.