

The Nature Conservation Act

No. 44, 22 March 1999

Ministry for the Environment

CHAPTER I **Objectives, scope and definitions**

Article 1

Objectives of the Act

The purpose of this Act is to direct the interaction of man with his environment so that it harm neither the biosphere nor the geosphere, nor pollute the air, sea or water.

The Act is intended to ensure, to the extent possible, that Icelandic nature can develop according to its own laws and ensure conservation of its exceptional or historical aspects. The Act shall facilitate the nation's access to and knowledge of Icelandic nature and cultural heritage and encourage the conservation and utilisation of resources based on sustainable development.

Article 2

Scope

This Act shall apply in Iceland, within Icelandic territorial waters and exclusive economic zone, cf. Articles 1 and 3 of the Act on Iceland's territorial sea, exclusive economic zone and continental shelf, No. 41/1979.

The Act shall in no way affect the provisions of other Acts on the conservation, protection and hunting of wild fauna on land or at sea.

Article 3

Definitions

For the purposes of this Act the following meanings shall apply:

1. *Commons*: an area of land outside of inhabited areas which has customarily been used as summer pasture for livestock;
2. *Privately owned land*: an area which is subject to private property rights, i.e. the owner holds all normal ownership jurisdiction within the limits of current law;
3. *Country park*: an area of land controlled by a local authority or local authorities which has been protected for outdoor leisure and public use;
4. *Wilderness*: an area of land at least 25 km² in size, or in which it is possible to enjoy the solitude and nature without disturbance from man-made structures or the traffic of motorised vehicles on the ground, which is at least 5 km away from man-made structures or other evidence of technology, such as power lines, power stations, reservoirs and main roads, where no direct indications of human activity are visible and nature can develop without anthropogenic pressures.
5. *Sites of natural interest*:
 - a. nature conservation areas,
 - b. life forms, their habitats and ecosystems on the Nature Conservation Registry, cf. Article 67;
6. *Nature conservation areas*:
 - a. protected areas, i.e. national parks, nature reserves, country parks and natural monuments,
 - b. other areas and natural phenomena on Nature Conservation Registry, cf. Article 67,
 - c. demarcated areas on land or at sea which are protected by other Acts due to their nature or landscape;
7. *Cultivated land*: enclosed fields, homefields and sown fields, i.e. land which has been cultivated by working the soil, sowing and regular fertilisation, land used for silviculture or land which has not required working or sowing to serve as hay land but is fertilised and used as such;
8. *National land*: an area of land not privately owned, even though individuals or legal entities may enjoy specific limited ownership rights there.

CHAPTER II

Administration of nature conservation affairs

Article 4

Ultimate responsibility of the Minister for the Environment

The Minister for the Environment has ultimate responsibility for nature conservation affairs. In formulating policy for nature conservation and actions and information dissemination in this area, the Minister shall consult with concerned parties, institutions and non-governmental organisations (NGOs) as appropriate in each instance.

Article 5

Nature Conservation Agency

The Nature Conservation Agency is a public institution under the jurisdiction of the Minister for the Environment.

The Minister for the Environment shall appoint the director of the Nature Conservation Agency for a five-year term. He/She shall have a university education and specialised knowledge relevant to the position. The Director shall manage the Agency, be responsible for its operations and the hiring of personnel.

The Minister for the Environment shall, in a Regulation, lay down detailed instructions concerning the role and duties of the Director of the Nature Conservation Agency and its internal organisation.

Article 6

The role of the Nature Conservation Agency

The role of the Nature Conservation Agency shall be:

- a. to oversee, operate and supervise nature conservation areas as provided for by law,
- b. to supervise that the country's natural environment is not damaged by human actions, construction or activities, to the extent that such supervision is not entrusted to others by separate legislation. The Minister for the Environment shall, after consulting other institutions and parties responsible for surveillance pursuant to separate legislation, lay down detailed provisions on the Agency's surveillance activities in a Regulation;
- c. to supervise traffic and human treatment of unpopulated areas in co-operation with other authorities;
- d. to prepare the protection of areas, oversee preparations of management plans for nature conservation areas and the listing of sites of natural interest;
- e. to assess the conservation value of Iceland's natural environment and sites of natural interest;
- f. provide information and public education on nature conservation areas and public education on nature conservation, for instance, in the mass media;
- g. to operate visitors' centres in nature conservation areas;
- h. to deliver opinions on major constructions and activities proposed;
- i. protection and reclamation work for vegetation and forest conservation, cf. Article 39.
- j. to report to the Minister for the Environment on the condition of nature conservation areas under the Agency's supervision, construction in these areas and other aspects of concern for the management of the areas;
- k. to prepare and collect data concerning nature conservation strategies, cf. Article 65, and the listing of sites of special natural interest and publication of the registry of sites of natural interest, cf. Article 67;
- l. granting of authorisations as provided for in this Act;
- m. other nature conservation tasks as provided for by law or determined by the Minister.

Article 7

Implementation of supervision

The Nature Conservation Agency may assign nature research centres, nature conservation committees, cf. Article 11, individuals or legal entities general supervision of the country's natural environment. Agreements shall be concluded thereto and ratified by the Minister for the Environment. These agreements shall, for instance, make provision for the remuneration for such supervision, the qualifications of inspectors, reporting and other significant aspects. Should the Nature Conservation Agency deem it necessary to supervise a certain project specifically it shall conclude an agreement thereto with the developer. The agreement shall

have regard for internal checks and surveillance by the developer and supervision by other public parties. In it expenses shall be estimated, as far as is possible in each instance, and the developer shall recompense the Nature Conservation Agency for supervision expenses. Should disputes arise between the parties concerning the substance of the agreement or payment for supervision they shall be resolved by the Minister.

After receiving the proposals of the Nature Conservation Agency, the Minister shall set tariffs for the supervision cost of projects. It shall provide for, for instance, the scope of public supervision and the determination of supervision fees, having regard to the internal checks and surveillance by the enterprise to be supervised.

Article 8

The Nature Conservation Council

The Nature Conservation Council shall be comprised of nine members. The Minister for the Environment shall appoint five of them at the commencement of a Nature Conservation Convention, four after receiving proposals from the Icelandic Institute of Natural History, the University of Iceland, the Farmers' Association of Iceland and the Icelandic Tourist Board, respectively, and one without nomination, who shall serve as Chairman of the Council. Four members shall be elected at a Nature Conservation Convention, cf. Article 10 Alternates shall be appointed and elected in the same manner. The Nature Conservation Council shall operate an office with at least one permanent employee.

The contribution provided for in Article 3 of the Act on Measures to Combat Environmental Pollution Resulting from Disposable Drink Packaging, Nr. 52/1989, shall accrue to the Nature Conservation Council. Other costs incurred by the Council's activities shall be paid by the national treasury.

Article 9

Role of the Nature Conservation Council

The Nature Conservation Council shall promote nature conservation and provide advice on nature conservation issues to the Minister for the Environment, the Nature Conservation Agency and other authorities.

The Nature Conservation Council shall make proposals on protection and other conservation measures to the Minister, and discuss the Nature Conservation Strategy, as provided for in Articles 65 and 66, before it is submitted to the *Althingi*.

The Nature Conservation Council shall follow international developments in nature conservation.

The Nature Conservation Council shall handle the Protection Fund (*Frið-lýsingar-sjóður*)¹), cf. Article 71.

1) Reg. 371/1997.

Article 10

Nature Conservation Convention

The Minister for the Environment shall call a Nature Conservation Convention following national elections and again two years later.

The Nature Conservation Convention shall be a forum for those parties involved in nature conservation affairs. The Nature Conservation Council shall, for instance, attend the Nature Conservation Convention, together with representatives from nature research centres, nature conservation committees, interested parties, nature conservation and outdoor leisure organisations, and other parties active in nature conservation, as well as directors of natural science institutions. Furthermore, representatives of ministries and parliamentary groups shall be entitled to attend the convention, with the right to speak and make proposals, in addition to the division directors of the Nature Conservation Agency and the Icelandic Institute of Natural History and the directors of local branches of the latter institution.

The role of the Nature Conservation Convention is to discuss nature conservation and elect representatives to the Nature Conservation Council. The Council shall submit a report of its work to the convention.

The Chairman of the Nature Conservation Council shall convene the convention and direct its proceedings until a presiding officer has been elected. The Convention shall adopt its own rules of procedure. The Nature Conservation Council shall lay down rules for each Nature Conservation Convention, providing for rights to attend, eligibility for office and voting rights of participants. The rules shall be adequately publicised four weeks prior to the commencement of the Nature Conservation Convention. Should dispute arise as to the eligibility or voting

rights of convention participants, such shall be referred to the convention itself for a ruling. Attendance at a Nature Conservation Convention is without recompense, but the parties concerned shall pay the expenses of their representatives. Other expenses incurred by the Convention shall be paid by the national treasury in accordance with a ruling by the Minister for the Environment.

Article 11

Nature conservation committees

Each local authority or regional council (*héraðsnefnd*) shall have a nature conservation committee comprised of from three to seven persons. The local authorities or regional council shall determine the number of committee members, elect them for a four year term, select a chairman and provide the committee with terms of reference. Alternates shall be elected in the same manner. The local authorities shall pay expenses incurred by the activities of nature conservation committees unless otherwise decided. Following each municipal election, notification of those elected to nature conservation committees shall be sent to the Nature Conservation Agency.

Nature conservation committees shall advise local authorities on nature conservation affairs. They shall promote nature conservation in their own areas, for instance, through public instruction and discussion of projects and activities likely to affect the natural environment, and make proposals for improvements to the local authorities and the Nature Conservation Agency.

Nature conservation committees shall seek the assistance and advice of the Nature Conservation Agency where such is indicated. The Nature Conservation Agency shall hold at least one joint meeting with representatives of nature conservation committees each year.

Nature conservation committees shall provide the Nature Conservation Agency with a survey of their activities in the form of a report at the end of each year.

The Minister for the Environment shall lay down in a Regulation detailed provisions on the role of nature conservation committees and their connections with nature research centres, as provided for in the Act on the Icelandic Institute of Natural History and Nature Research Centres, No. 60/1992.

CHAPTER III

Right of public access, treatment of the natural environment and outdoor leisure

Article 12

Rights and obligations of the public

The public is entitled to free passage through the country and to dwell there for legitimate purpose.

Everyone is obliged to treat the natural environment with respect and take the utmost care to avoid damaging it.

Article 13

Passage through the country and treatment of the environment

Persons travelling through the country must show full consideration for land owners and others with special rights to the land, respect their interests, for instance with regard to livestock or cultivation, including silviculture or reclamation land, and abide by their directions and instructions concerning travel and treatment of the land.

Marked routes and paths and tracks provided shall be followed wherever possible, fences shall not be disturbed, by using gates or stiles wherever possible; when using gates care shall be taken to close them after passing through. Special caution shall be exercised in the vicinity of livestock, seal grounds, nesting areas, and hunting and fishing areas.

Passage through an area is not the responsibility of the land owner or rightholder in other respects than may result from the provisions of other Acts and general rules on damage compensation.

Article 14

Pedestrian traffic

Persons are permitted, without the special permission of the landowner or rightholder, to travel on foot, on skis, skates and non-motorised sleds, or by other similar means, across uncultivated land and dwell there. On privately owned land in settled areas, an owner or

rightholder may, however, by setting signs on gates and stiles, limit or prohibit traffic and dwelling on fenced, uncultivated land.

Traffic on cultivated land, cf. Point 7 of Article 3, and dwelling there shall be subject to permission of its owner or rightholder. The same shall apply to silviculture tracts in settled areas which are not owned or supervised by the national government or local authorities, apart from natural birch woods and brush lands. If silviculture is subsidised with public funds, the agreement with the landowner or rightholder shall make provision to ensure, subject to rules set by the latter, the public has free passage through the land after the first stages of silviculture are completed.

Article 15

Cyclist traffic

Cyclists travelling through the country must follow roads and cycle tracks provided, to the extent possible.

Article 16

Equestrian traffic

Equestrians travelling through the country must follow riding trails provided, to the extent possible.

When travelling in the highlands and other areas with scant vegetation, they must bring with them sufficient feed for their horses.

Travellers are permitted, after receiving the permission of the landowner or rightholder where appropriate, to raise barriers or pens [for their animals], provided such will not damage the natural environment. In highland areas the location selected for such should be on unvegetated land if at all possible.

Where possible, a warden or supervisor on location shall be consulted when travelling through or dwelling in nature conservation areas, cf. Chapter IV.

The Minister for the Environment may lay down in a Regulation¹⁾ detailed provisions on equestrian traffic and herding of horses.

1) Adv. 433/1993, Reg. 619/1998.

Article 17

Off-road driving

Motorised vehicles may not be driven off-road. Such vehicles may, however, be driven on glaciers, as well as off-road on snow outside of urban areas, provided that the ground is frozen and covered by snow.

After receiving a proposal from the Nature Conservation Agency, the Minister for the Environment shall, in a Regulation,¹⁾ make provision for other exemptions from the prohibition of the first sentence of the first paragraph, for instance, concerning work in agriculture, surveying, construction of roads and transmission lines, and research. Having received a proposal from the Nature Conservation Agency, the Minister may, in a Regulation, limit or prohibit driving on glaciers or on snow where there is danger of causing damage to the natural environment or disturbance to other travellers in the area.

Illegal off-road driving shall be liable to punishment, cf. Article 76.

1) Reg. 619/1998.

Article 18

Travel on inland waters

Traffic on inland waters shall comply with the provisions of the Inland Waters Act, No. 15/1923.

Article 19

Limited traffic in unsettled areas

The Nature Conservation Agency may, for purposes of conservation, temporarily limit traffic in or close unsettled areas, provided the Agency has, as a rule, explained the grounds for the proposed closure in a report as provided for in the second paragraph. Such decisions shall be approved by the Minister for the Environment and published in the Official Journal of Iceland (*Stjórnartíðindi*).

Each autumn the Agency shall make an evaluation of the situation of regions in unsettled areas and report to the Minister on the conclusions of this evaluation. The report shall indicate which areas are endangered and where closures might be imposed. The Agency shall

publish the conclusions of its report in an advertisement in daily papers and the Legal Gazette (*Lögbirtingablað*).

Article 20

Camping authorisation

Along public routes in settled areas travellers may, cf. however the second sentence of the first paragraph of Article 14, set up normal sleeping tents for an overnight stay on uncultivated land; the permission of the landowner or other rightholder must be sought before camping near a residence or farm, and in all cases where more than three tents are involved or if the stay is to be longer than for one night.

Along public routes in unsettled areas, normal tents may be set up either on privately owned land or national land.

Away from public routes, hiking tents may be set up, either on privately owned or national land, unless otherwise indicated in special rules which may be applicable to the land area in question.

On cultivated land, cf. Point 7 of Article 3, camping is only allowed with the permission of the owner or rightholder.

Campers must always respect the provisions of Article 17, prohibiting off-road driving, as well as exercising the utmost hygiene and caution at their campsite.

Article 21

Limits to camping authorisation

Under special circumstances a landowner or rightholder may limit or prohibit camping if there is substantial danger of damage to the country's natural environment.

If the landowner or rightholder has prepared a special camping area on his/her land, he/she may direct travellers to it and charge a fee for providing the service there.

Article 22

Organised tours

Parties organising commercial tours on private property must consult the land owner or rightholder concerning the passage of travellers or their stay on his/her land. Wherever possible camping sites shall be selected in designated camping grounds if the tour is to involve camping.

Article 23

Fences

Fences may not be erected on lakeshores, river banks or beaches so that they hinder pedestrian traffic. Where fences are to be erected across a traditional route or designated walking, cycling or riding trail, the fence builder shall set a gate in the fence or a stile. Fences must be kept in proper condition so as to present no danger to man or beast. In other respects the provisions of the Fencing Act, No. 10/1965, shall apply to fences, their maintenance and removal, or of other acts as the case may be.

Article 24

Picking of berries, mushrooms, mountain lichens and herbs

On national land and commons anyone may pick berries, mushrooms, mountain lichens and herbs.

Picking on private land is subject to the permission of the landowner or right-holder. Picking for consumption on the spot is, however, permitted.

Article 25

Harvesting of seashore vegetation

On the beaches of national land anyone may harvest dulse, seaweed, kelp and other seashore vegetation.

Picking on private beaches is subject to the permission of the landowner or right-holder. Picking for consumption on the spot is, however, permitted.

Article 26

Commercial harvesting

The Ministry for the Environment may lay down in a Regulation provisions on commercial harvesting of berries, mushrooms, mountain lichens, herbs and seashore vegetation stipulating, for instance, that the Icelandic Institute of Natural History must be notified of the amount and species harvested and the location of harvesting and, in special circumstances, that the permission of the Nature Conservation Agency is required for harvesting of specific species or in certain areas.

Article 27

Tools and equipment for harvesting

The Minister for the Environment may lay down in a Regulation provisions on the use of tools and equipment for harvesting berries, mushrooms, mountain lichens, herbs and seashore vegetation. The Minister may prohibit their use if there is a danger they may damage the country's natural environment.

CHAPTER IV

Operation of nature conservation areas

Article 28

Supervision of nature conservation areas

The Nature Conservation Agency shall oversee nature conservation areas unless otherwise prescribed by law. The Minister for the Environment may assign to the Agency supervision of other areas which are considered unique due to their landscape, flora or fauna.

Article 29

Wardens

Wardens and other personnel shall work in nature conservation areas. The warden's role includes, for instance, supervision and public instruction.

The Minister for the Environment shall lay down in a Regulation,¹⁾ having received the proposals of the Nature Conservation Agency, detailed provisions on the education and responsibilities of persons working in nature conservation areas.

1) Reg. 61/1990.

Article 30

Supervision assigned to other parties

The Nature Conservation Agency may entrust individuals or legal entities with the supervision and operation of nature conservation areas, with the exception of national parks. A special agreement shall be concluded on the supervision and operation of areas and ratified by the Minister for the Environment. The Agreement shall make provision for the rights and obligations of the contracting parties, any construction in the area and other projects, land supervision, qualifications of personnel, reception and instruction of travellers, and fees charged, cf. Article 32. The Nature Conservation Agency shall see to it that the supervisor and operator fulfil his/her contractual obligations.

Article 31

Visitors' centres

The Nature Conservation Agency may establish and operate visitors' centres in nature conservation areas as determined by the current budget. Operation of visitors' centres shall be carried out in co-operation with nature research centres, cf. the Act on the Icelandic Institute of Natural History and nature research centres, No. 60/1992, where appropriate. A special agreement shall be concluded on the co-operation and ratified by the Minister for the Environment.

The Nature Conservation Agency may entrust individuals or legal entities with the supervision and operation of visitors' centres. Special agreements shall be concluded thereupon and ratified by the Minister for the Environment.

Article 32

Fees, etc.

The Nature Conservation Agency, or the party to whom operation of a nature conservation area has been entrusted, may set a fee for services provided. The operator of a nature

conservation area may, furthermore, set a fee for access to the area if damage has resulted from travellers or there is risk of such damage.

Income pursuant to the latter sentence of the first paragraph shall be used for purposes of supervision, repair or development of the area or access to it.

The Nature Conservation Agency shall, no later than September each year, submit to the Minister for the Environment for approval, a tariff of the fees which the Agency proposes to collect the following year. If the Minister approves the tariff it shall be published in the B Section of the Official Journal of Iceland.

The Nature Conservation Agency or other supervisor of a nature conservation area may set specific rules for human traffic and dwelling in nature conservation areas and concerning other aspects as listed in Chapter III, cf. also Article 60.

The Minister for the Environment may set detailed provisions on the implementation of this Article in a Regulation.

CHAPTER V

Landscape conservation

Article 33

Drawing up of zoning plans

The opinion of the Nature Conservation Agency and nature conservation committees shall be sought, cf. Article 11, when drawing up detail plans and master plans and making substantial changes to them and when rulings on environmental impact assessments are issued.

Article 34

Major projects

Major projects, which affect the environment and change its appearance, such as alteration of land with earthfill, or extraction, shall comply with zoning plans and the ruling on environmental impact assessment, where applicable.

Article 35

Design of structures

In designing roads, power stations, industrial installations and other structures care shall be taken to adapt them to the appearance of the land as well as possible.

Article 36

Land improvement

In cultivation of hay land, silviculture, land reclamation, planting of shelter belts and other land improvements care shall be taken to adapt them to the appearance of the land as well as possible and ensure they do not disturb sites of natural or cultural interest.

Article 37

Special protection

The following types of landscape shall enjoy special protection and their disturbance shall be avoided if at all possible:

- a. volcanic craters, rootless vents (pseudocraters) and lava fields;
- b. freshwater lakes and pools, 1000 m² or more in area;
- c. bogs and fens, 3 hectares or more in area;
- d. waterfalls, hot springs and other thermal sources, as well as surfacial geothermal deposits (sinter and travertine), 100 m² or more in area;
- e. salt marshes and mudflats.

The opinion of the Nature Conservation Agency and nature conservation committees shall be sought prior to granting of project authorisations or construction permits, cf. Articles 27 and 43 of the Planning and Building Act, No. 73/1997, for projects which involve disturbance of types of landscape referred to in the first paragraph, unless a master plan exists, adopted after the entry into force of this Act, where an opinion, as provided for in Article 33, has been obtained.

Article 38

Risk of disturbing sites of natural interest

The authorisation of the Nature Conservation Agency is needed for projects where there is a risk of damage to protected sites of natural interest. The Nature Conservation Agency shall be notified and its opinion sought for projects where there is a risk of damage to other sites on the

registry of sites of natural interest, cf. Articles 67 and 68.

Should a developer fail to seek authorisation in accordance with the first para-graph, the Nature Conservation Agency may demand, with a written challenge, that work not commence on the project or that it be stopped. Should the developer fail to respond to the Agency's challenge, it may apply daily fines to enforce it, cf. Article 73, and seek the support of the police if necessary.

Article 39

Protection of forests and other plant communities

The Minister for the Environment may, in consultation with the Minister of Agriculture, decide on protection and reclamation measures to conserve forests and other plant communities.

The Nature Conservation Agency shall work together with the State Soil Conservation Service at vegetation conservation and monitor the situation of vegetation. Such surveillance may, however, be entrusted to vegetation conservation committees upon receiving the approval of the Minister for the Environment and the Minister of Agriculture.

The Nature Conservation Agency shall work together with the Iceland For-est Service on the conservation and supervision of natural birch forests and forests for outdoor leisure.

Vegetation shall not be destroyed or damaged unnecessarily by uprooting of moss, heather or shrubs, or by other means.

Article 40

Rocks and minerals

The Minister for the Environment may, after receiving a proposal from the Nature Conservation Agency and the Icelandic Institute of Natural History and the opinion of the Ministry of Industry, provide for the conservation of rocks and minerals in a Regulation, for instance, requiring a permit from the Nature Conservation Agency for removal of specific types from their fixed position in the ground.

Article 41

Import, cultivation and distribution of living organisms

To the extent that such is not provided for in other Acts, such as the Act on Import of Animals, No. 54/1990, the Minister may authorise the import, cultivation and distribution of live alien organisms.

The Minister shall, in a Regulation, make provision for the registration, import, cultivation and distribution of live alien organisms in this country, cf. however, the first paragraph. It may, for instance, include a list of species which may not be imported into the country, as well as species which may be cultivated in this country and introduced into the open countryside, including silviculture areas.

The Minister shall appoint a committee of experts for a four-year term to advise the authorities on the import, cultivation and distribution of alien organisms. The authorities shall seek the opinion of this committee and of the Nature Conservation Agency before a decision is taken on the import, cultivation or distribution of new species of living organisms. The committee shall include one member nominated by the Icelandic Institute of Natural History, one appointed by nomination of the Agricultural Research Institute, one by nomination of the Institute of Biology of the University of Iceland and one member nominated jointly by the State Soil Conservation Service and the Iceland Forest Service. The Minister shall appoint the Chairman of the committee without nomination.

The provisions of this Article shall not apply to live pathogens, cf. the Vaccinations Act, No. 38/1978, genetically modified organisms, cf. the Act on Gene-tically Modified Organisms, No. 18/1996, marine harvest, cf. the Act on the Treatment, Processing and Distribution of Marine Products, No. 55/1998, and species of ocean mammals found in the seas near Iceland.

Article 42

Markings on natural formations

Any marking whatsoever of natural phenomena is prohibited and shall be liable to penalty as provided for in Article 76, cf. also Article 75.

Article 43

Advertisements outside of urban areas

Billboards may not be erected alongside roads or elsewhere outside of urban areas.

Unobtrusive advertisements of business activities or services or products may, however,

provided they comply with the provisions of other Acts, be erected at the location where such activities or production take place.

The Minister for the Environment shall lay down in a Regulation detailed provisions on the substance of this Article and rule on any questions of uncertainty.

Article 44

Property which is not maintained, deserted farms and improvements

Should buildings, beached vessels, vehicles, equipment or structures, including fences, be left unmaintained to fall into disrepair so that they can be considered as eyesores or liable to damage the natural environment, the owner shall be obliged to remove them.

Should a farm be deserted the landowner shall be obliged to leave all buildings, fences, wells and other structures in such condition that they do not present risks for humans or animals, nor damage the natural environment or become eyesores. Where there are special grounds for so doing, and a structure or remains can be deemed to have cultural-historic value, the National Museum of Iceland, or its representative, shall be notified before work begins on clean-up of the structure or remains as provided for in this Article.

The local authority shall carry out necessary actions as provided for in this Article, at the expense of the person responsible for carrying them out but who neglected to do so. A local authority may, however, in special circumstances and where it is clear from the scope of the measures needed that the municipality, taking into account the number of its residents and its income, lacks the financial capacity to undertake such, make application to the Minister for the Environment to carry out the necessary actions. If the Minister agrees to this request, he/she shall assume responsibility for action in accordance with this Article.

CHAPTER VI

Extraction of materials from the earth

Article 45

Scope

The provisions of this Chapter shall apply to extraction of materials from the ground, the beds of watercourses and freshwater lakes and, as applicable, extraction from or under the seabed within Iceland's territorial waters and exclusive economic zone.

Article 46

Planning of extraction areas

The planning of extraction areas shall be subject to the provisions of the Planning and Building Act, No. 73/1997, and rules adopted pursuant to it.

Article 47

Authorisation for extraction

Permission for extraction from or under the seabed apart outside the so-called net-laying area [60 fathoms out from low-water line] shall be subject to the provisions of the Act on Icelandic National Ownership of Seabed Resources, No. 73/1990. The Minister of Industry shall, however, seek the opinion of the Nature Conservation Agency before granting permission.

All extraction on land and from or under the seabed within the net-laying area, shall be subject to the operating permission of the local authority concerned, cf. Article 27 of the Planning and Building Act, No. 73/1997. Where a master plan has not been approved for the area, which has been subjected to comment from the Nature Conservation Agency and nature conservation committee, cf. Article 33, their opinion of the project must have been delivered before permission is granted. Furthermore, the provisions of the Act on Research and Exploitation of Subterranean Resources, No. 57/1998, apply to extraction on land or from or under the seabed within the net-laying area.

Notwithstanding the provisions of the second paragraph, a landowner or rightholder of private property may undertake, without special permission, limited extraction for his/her own use, except in the case of landscape formations which enjoy protection pursuant to Article 37.

Article 48

Planning of extraction

Before permission is granted for extraction of materials from the ground pursuant to Article 47, a plan must be provided by the party holding the right to the planned extraction giving details, for instance, of the quantity and type of material, the processing time, and clean-up of the extraction area.

The Nature Conservation Agency shall maintain surveillance of extraction on land, cf. also sub-paragraph b of Article 6 and the second and third paragraphs of Article 7. The Agency may demand that the party holding the right to extraction provide a guarantee which the Agency considers sufficient to cover the estimated cost of surveillance and clean-up of the extraction area.

Article 49

Rehabilitation of extraction areas

When extraction commences the vegetation and surface layers of the earth in the extraction area shall be dealt with in such manner that they can readily be spread over the extraction area again. Once the processing period is complete, the extraction area shall be neatly re-landscaped so as to fit into its surroundings as well as possible.

If the rehabilitation is not carried out as provided for in the extraction plan, cf. Article 48, the Nature Conservation Agency may instruct the party holding right to extraction to carry out the clean-up within a specified time limit, which may not, however, be longer than one year. The Agency may apply daily fines to enforce this, cf. Article 73.

Should actions taken by the Nature Conservation Agency pursuant to the second paragraph fail to achieve their purpose the local authority shall carry out the clean-up of the extraction area at the cost of the holder of extraction rights in accordance with the plan submitted, cf. Article 48. The guarantee provided for in Article 48 shall be used to pay the cost.

The extraction area may not stand unused and without being cleaned up for more than three years. The Nature Conservation Agency may, however, grant exemptions from this provision, provided there are special grounds for a temporary stoppage.

Disposal of waste from the extraction area shall be as proposed in the plan submitted, cf. Article 48, and Acts and Regulations on health and hygiene procedures and pollution prevention.

CHAPTER VII

Protected sites of natural interest

Article 50

Classifications of protected sites of natural interest

Protected sites of natural interest are divided into the following classifications:

- a. national parks, cf. Article 51;
- b. nature reserves, cf. Point 1 of the first paragraph of Article 53;
- c. natural monuments on land, cf. Point 2 of the first paragraph of Article 53, and at sea, cf. the first paragraph of Article 54;
- d. protected organisms, habitats and ecosystems, cf. Point 3 of the first paragraph of Article 53 and the first paragraph of Article 54;
- e. country parks, cf. Article 55.

Article 51

Establishment of national parks

The Minister for the Environment may, after receiving the proposals or opinion of the Nature Conservation Agency, the Icelandic Institute of Natural History and the Nature Conservation Council, declare an area of land a national park, because its landscape or biosphere is so unique, or because it has a historical significance, which gives grounds for preserving it and its natural characteristics and allow public access to it in accordance with specific rules.

The land of a national park shall be owned by the state unless there are special grounds for other arrangements and agreement thereto is reached between the Minister and landowners.

The Minister may establish an advisory committee with the participation of the local authorities concerned to discuss the operation and organisation of national parks.

Article 52

National park operation

Each national park shall have a superintendent, engaged by the Director of the Nature Conservation Agency. Park wardens shall have specialised knowledge and experience relevant to their position.

Park wardens shall look after the day-to-day operations of national parks and make proposals to the Nature Conservation Agency concerning their operation. The Nature Conservation Agency may assign to a superintendent the surveillance and supervision of other areas for which the Agency is responsible.

The Nature Conservation Agency shall make proposals for a conservation plan and land use within national parks which shall be approved by the Minister.

The Minister for the Environment shall issue, after receiving the proposals of the Nature Conservation Agency, a Regulation¹⁾ on the handling and operations of national parks and public conduct.

1) Reg. 319/1984, Reg. 359/1993, Reg. 513/1995.

Article 53

Protection of other sites of natural interest on land

The Minister for the Environment may, after receiving the proposals or opinion of the Nature Conservation Agency, the Icelandic Institute of Natural History and the Nature Conservation Council, protect:

1. areas which it is important to preserve because of their special landscape or biosphere.

Protected areas are called nature reserves;¹⁾

2. natural formations, such as waterfalls, volcanoes, caves or rock outcrops, as well as locations of fossil beds, rare rocks and minerals, which are important to preserve for their scientific value, beauty or unique characteristics. Areas surrounding natural formations shall also be protected as necessary for them to be enjoyed to best advantage; such shall be clearly stated in the declaration of protection. Protected natural formations shall be called natural monuments;²⁾

3. organisms, their habitats and ecosystems which it is important, from a scientific, natural historic or other cultural perspective, not to disturb, decrease in number or eradicate.

Protection as provided for in the Points 2 and 3 of the first paragraphs can be applied either in specific locations or throughout the entire country.

1) Adv. 457/1996, 2) Adv. 120/1994, Adv. 326/1999.

Article 54

Protection of sites of natural interest at sea

The Minister for the Environment may, after receiving the approval of the Minister of Fisheries and, as the case may be, after receiving the proposals or opinion of the Marine Research Institute, the Nature Conservation Agency, the Icelandic Institute of Natural History or the Nature Conservation Council, protect sites of natural interest at sea within the territorial sea and the exclusive economic zone, including islands and skerries, and on the seabed, which it is deemed important to preserve because of their beauty or special characteristics or which it is important, from a scientific, natural historic or other cultural perspective, not to disturb.

Areas surrounding sites of natural interest shall also be protected as necessary for them to be enjoyed to best advantage; such shall be clearly stated in the declaration of protection.

The provisions of other Articles of this Chapter shall apply as appropriate to protected sites of natural interest at sea.

Article 55

Establishment of a country park

The Minister for the Environment may, after receiving proposals from the local authority or authorities concerned and the opinion of the Nature Conservation Agency, declare a specific area, which is intended for outdoor leisure and public access, a country park.

Should a local authority or authorities wish to have a specific area declared protected as a country park, it or they shall make a proposal for such to the Nature Conservation Agency stating, for instance, the boundaries of the country park and how the decision to establish a country park may restrict the utilisation rights of owners or rightholders to the land area in question.

Article 56

Cost of establishing and operating a country park

The local authorities concerned shall bear the entire cost of establishing and operating a country park to the extent such is not covered by contributions from the national treasury; the cost shall be divided among the local authorities concerned proportionally, based on their population as of the previous year. Should a local authority withdraw from participation in preparing the establishment of a country park it must pay its proportion of the cost already incurred.

Article 57

Co-operation committee for the operation of a country park

Local authorities supporting the operation of a country park shall conclude a co-operation agreement and establish a co-operation committee which shall operate in consultation with the Nature Conservation Agency. The co-operation agreement shall make provision for the number of committee members and working practices of the committee. If not otherwise provided for the majority of votes shall decide a question. Where questions involving special expense are dealt with, however, the voting rights shall reflect the payment proportions of the parties involved, cf. Article 56.

Article 58

Preparation for declaration of protection

The Nature Conservation Agency shall carry out the preparation for declaring an area protected, cf. however the second paragraph of Article 55. The co-operation of the Marine Research Institute shall be sought in preparing to declare protected areas as provided for in Article 54. The Nature Conservation Agency shall draft the terms of protection and present them to landowners, the local authorities concerned and other parties with interests at stake. If agreement is reached on the declaration of protection the matter shall be referred to the Minister for the Environment for further decision.

Article 59

Failure to reach agreement on declaration of protection

If agreement is not reached on the declaration of protection the matter shall be re-ferred to the Minister for the Environment for further handling. The Minister shall send the landowners and other rightholders to the land affected by the protection, as well as the local authorities, a proposal for protection, while at the same time publishing an advertisement of such in the Legal Gazette and, as the case may be, in such manner as is customary to publish public advertisements in the location concerned.

Anyone with interests at stake shall be given the opportunity to comment on the proposed protection, present objections and make demand for compensation to the Minister within three months' time.

Once this deadline has passed, the Minister shall make a decision on the protection and on expropriation if necessary, cf. Article 64.

Article 60

Substance of the declaration of protection

The declaration of protection shall include provision for:

- a. the principal aspects of conservation of sites of natural interest,
- b. how extensive the protection shall be,
- c. to what extent building activities will be limited,
- d. traffic and right of public access,
- e. utilisation of fishing rights.

A declaration of protection may, furthermore, include instructions on necessary actions in order that the public may enjoy the protected area, such as the laying of trails, fencing and similar measures.

If there is reason to expect that proposed projects in a protected area will so disturb the natural environment that there is a risk that certain organisms, their habitats and ecosystems will be destroyed or be subject to substantial damage, the Minister for the Environment may have the declaration of protection include prohibition of such projects, provided that the opinions of the Nature Conservation Agency and the Icelandic Institute of Natural History have been sought.

Article 61

Procedure In other respects the preparation of and decision on protection shall be subject to the provisions of the Public Administration Act, No. 37/1993.

Article 62

Promulgation and signposting

The Minister for the Environment shall publish a decision on protection and its provisions in the Official Journal of Iceland.

The Nature Conservation Agency shall post signs and markings and provide information on protected areas as practicable and deemed necessary by the Agency.

Article 63

Disturbance to protected sites of natural interest

No one may destroy, damage or alter protected sites of natural interest. Disturbing them shall be liable to punishment as provided for in Article 76, cf. also Article 75.

Article 64

Authorisation for expropriation

The Minister for the Environment may expropriate land, structures and rights, in order to implement protection as provided for in this Act. The implementation of expropriation and decision on compensation shall be as provided for in the Expropriation Act, No. 11/1973.

CHAPTER VIII

Nature Conservation Strategy and Registry of Sites of Natural Interest

Article 65

Nature Conservation Strategy

The Minister for the Environment shall, no less frequently than at five-year intervals, have a Nature Conservation Strategy drawn up for the entire country and submitted to the *Althingi*.

The Nature Conservation Agency shall, in consultation with the Icelandic Institute of Natural History, nature research centres and the nature conservation committees concerned, look after the preparation and collection of data for the Plan.

Article 66

Substance of the Nature Conservation Strategy

The Nature Conservation Strategy provided for in Article 65 shall include the most relevant information possible on sites of natural interest, i.e. nature conservation areas and organisms, their habitats and ecosystems, which there is deemed reason to protect. The Plan shall describe the unique characteristics of the sites and their significance for the country's natural environment.

The Plan shall include, for instance, the main habitat types and ecosystems in Iceland, as well as geological formations. In drawing up the Plan, regard shall be had for:

- a. the cultural and historic heritage;
- b. the necessity of reclaiming habitat types;
- c. anthropogenic utilisation of nature;
- d. wilderness.

Furthermore, the following shall be included among the criteria for areas covered by the Plan:

- a. they are the home of rare species or species in danger of extinction;
- b. they are unusually rich in number of species or sensitive to disturbance;
- c. they are necessary for maintenance of strong stocks of important species;
- d. they have substantial scientific, social, economic or cultural value;
- e. they are important for the maintenance of natural evolutionary processes;
- f. they have international nature conservation value;
- g. are characteristic for the natural surroundings of the region concerned.

Article 67

Registry of sites of natural interest

The Minister for the Environment shall issue a comprehensive Registry of sites of natural interest¹⁾ no less frequently than once every five years and publish the same in the Official Journal of Iceland.

Decisions on new areas added to the Registry of sites of natural interest may be published at any time.

The Nature Conservation Agency shall, in consultation with the Icelandic Institute of Natural History, nature research centres and nature conservation committees concerned, look after the preparation and collection of data on additions to the Registry of sites of natural interest and for its full publication.

1) Adv. 631/1995.

Article 68

Substance of the Registry of sites of natural interest

The Registry of sites of natural interest shall include the most relevant information possible on:

- a. protected sites of natural interest;
- b. sites of natural interest which there is deemed reason to protect as provided for in the Nature Conservation Strategy, cf. Article 65;
- c. other sites of natural interest, i.e. land areas, natural formations and organisms, their habitats and ecosystems for which protection is deemed desirable.

The Registry shall describe the unique characteristics of the sites and their significance for the country's natural environment.

The Minister for the Environment may, in a Regulation, set detailed provisions on the listing of sites of natural interest.

Article 69

Sale of farms on the Registry of sites of natural interest

The provisions of the Farms Act, No. 65/1976, shall apply to the sale of farms which are wholly or in part on the Registry of sites of natural interest; however, the national treasury shall have first option to purchase following those parties to whom this Act accords such right.

CHAPTER IX

Miscellaneous provisions

Article 70

Outdoor recreation areas

To encourage outdoor leisure, local authorities, the Nature Conservation Agency or nature conservation committees may maintain hiking paths, beaches for ocean bathing, lakeshores and other paths and areas which there is deemed reason to maintain to facilitate the general public in enjoying nature.

They may, in addition, erect footbridges, gates or stiles, designate camping grounds, and take other actions deemed necessary for this purpose. Any actions carried out in accordance with this Article shall only be taken with the consent of the landowner or rightholder.

Article 71

Nature Conservation Fund

A Conservation Fund shall be operated under the auspices of the Ministry for the Environment. The role of the Fund is to encourage nature conservation and protection of areas and to increase information on nature conservation and natural phenomena.

The Conservation Fund shall be in the care of the Nature Conservation Council which shall also administer the Fund.

The Minister for the Environment shall, after receiving the proposals of the Nature Conservation Council, lay down in a Regulation detailed provisions on the activities of the Conservation Fund and awards from it.

Article 72

Cost of implementation of the Act

The cost of implementing this Act shall be paid by the National Treasury as provided for in the annual budget.

Article 73

Daily fines

Daily fines may be applied, payable to the national treasury, to force individuals to take the actions required of them by law or to cease illegal behaviour. The maximum amount for such fines shall be set in a Regulation.

Article 74

Disputes on the implementation of the Act

Should disputes arise on a decision by any party except the Minister for the Environment concerning the implementation of this Act, the decision in question may be referred to the Minister who shall issue the final administrative decision. The provisions of the Public Administration Act, No. 37/1993, shall apply concerning right of referral and ensuing procedure.

Article 75

Damage to the country's natural environment

Anyone who illegally causes damage to the country's natural environment, either deliberately or through negligence, shall be subject to punishment as provided for in Article 76.

Article 76

Punishment

Anyone who violates the provisions of this Act or rules adopted by virtue thereof shall be subject to fines or imprisonment of up to two years. Fines shall be paid to the national treasury.

Cases under this Article shall be prosecuted in accordance with provisions for criminal proceedings, cf. the Criminal Proceedings Act, No. 19/1991.

Article 77

Compensation

Anyone suffering damage due to actions as referred to in Chapter VII of this Act shall be entitled to compensation from the national treasury unless otherwise provided for. In case of failure to reach agreement on compensation, such shall be determined as provided for in the provisions of the Expropriation Act, No. 11/1973.

Article 78

Entry into force

This Act shall enter into force 1 July 1999.

Regulations and other administrative actions, which were adopted in accordance with the previous Act, shall continue to apply to the extent that they do not contradict this Act.1)

1) Reg. 205/1973, cf. 640/1982.

Article 79

Amendments to other Acts

Upon the entry into force of this Act, the following changes shall be made to other Acts:

1. The words "Nature Conservation Council" in the second paragraph of Article 18 of the Farms Act, No. 65/1976, shall be replaced by: the Nature Conservation Agency.
2. The words "Nature Conservation Council" in Article 21 of the Act to Prevent Ocean Pollution, No. 32/1986, shall be replaced by: the Nature Conservation Agency.
3. The words "Nature Conservation Council" in the second paragraph of Article 22 of the Act on Toxic and Hazardous Substances, No. 52/1988, shall be replaced by: the Nature Conservation Agency.
4. The words "Nature Conservation Council" in Article 5 of the Act on Importation of Animals, No. 54/1990, shall be replaced by: the Nature Conservation Agency and a specialist committee as provided for in the Nature Conservation Act.
5. The words "Nature Conservation Council" in Article 4 of the Act on Burning Dead Grass and Handling of Fire in the Open, No. 61/1992, shall be replaced by: the Nature Conservation Agency.
6. The words "Nature Conservation Council" in Point 7 of the second paragraph of Article 4 of the Act on the Organisation of Tourist Affairs, No. 117/1994, shall be replaced by: the Nature Conservation Agency.
7. The words "Nature Conservation Council" in the fourth paragraph of Article 13 of the Act on Genetically Modified Organisms, No. 18/1996, shall be replaced by: the Nature Conservation Agency.

Temporary provisions

I.

The Minister for the Environment shall, no later than 2002, submit to the *Althingi* for the first time a Nature Conservation Strategy as provided for in Article 65.

II.

The Minister for the Environment shall request that the Nature Conservation Agency, in consultation with the Ministries, institutions, local authorities and developers concerned, draw up proposals for the rehabilitation of extraction areas which are no longer in use or, as the case may be, which may be currently in use and for which there is no clean-up plan. The Agency shall draw up a plan for the clean-up of the areas, the cost of this, and proposals for the payment of such cost. Furthermore, the Agency shall supervise the cleaning up of the areas. This shall be concluded no later than 2003.

III.

Local authorities must have concluded, no later than 2002, the overview of the situation provided for in Article 44 and submitted to the Nature Conservation Agency a written report thereupon.