

## **ACT RELATING TO MOTOR TRAFFIC ON UNCULTIVATED LAND AND IN WATERCOURSES**

### **§ 1. (Purpose)**

The purpose of this Act is to regulate motor traffic on uncultivated land and in watercourses on the basis of overall considerations of the public interest, with a view to protecting the natural environmental and promoting public welfare.

### **§ 2. (Scope)**

For the purpose of this Act, motor traffic means the use of vehicles (cars, tractors, motorcycles, snowmobiles, weasels, etc.) and boats or other motorized floating craft or hovercraft, and landing or taking off with motorized aircraft.

The term uncultivated land means land that is not tilled and that pursuant to section 1, first paragraph,<sup>1</sup> of the Outdoor Recreation Act is not considered to be cultivated land or equivalent to cultivated land. Mountain pasture, plots around houses and cabins, hay meadows, cultivated pasture and young plantations situated in uncultivated areas are considered to be equivalent to cultivated land for the purpose of this Act.

Roads in uncultivated areas that are not constructed for motor cars are considered to be uncultivated land for the purpose of this Act. The same applies to roads that are constructed for motor cars but that are not cleared of snow in winter.

The term watercourses means open and ice-covered rivers, streams and lakes.

The Act does not apply to landing fields for aircraft if a licence pursuant to section 77<sup>2</sup> of the Aviation Act or permission pursuant to section 82<sup>3</sup> of the said Act has been granted, or if the landing field is constructed or operated by the state.

### **§ 3. (Prohibition against motor traffic on uncultivated land and in watercourses)**

Motor traffic on uncultivated land and in watercourses is not permitted unless otherwise determined in this Act or by decisions pursuant thereto.

### **§ 4. (Permission directly pursuant to the Act)**

Notwithstanding section 3, motor traffic is permitted in connection with:

- a) police, ambulance and rescue services and control and inspection services established pursuant to statutory authority,
- b) public postal and telecommunications services,
- c) essential passenger and goods transport to and from permanent dwellings and in connection with commercial agriculture, forestry and reindeer husbandry. Hunting, trapping, fishing, and berry picking are not considered to be commercial activities in this context,
- d) military exercises, and movements and transport of the armed forces,
- e) construction and operation of public roads and other installations,
- f) scheduled transport services operated under licence pursuant to the Communications Act.

The Ministry may by regulations also permit other motor traffic.

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<sup>1</sup> Section 1a of the Act as amended 21 June 1996

<sup>2</sup> Section 7-5 of the new Aviation Act of 11 June 1993 No. 101

<sup>3</sup> Section 7-10 of the new Aviation Act of 11 June 1993 No. 101

The use of motor vessels is permitted on lakes with an area of 2 km<sup>2</sup> or more, and on stretches of river and lakes with an area of less than 2 km<sup>2</sup> if these form part of a navigable watercourse. The municipality may nevertheless decide that such traffic as mentioned here shall either wholly or partly not be permitted.

**§ 4a. (regulations relating to the use of motor vehicles on uncultivated land and ice-covered watercourses)**

Motor vehicles may only be used on uncultivated land and ice-covered watercourses in accordance with regulations issued by the Ministry.

**§ 5. (general permission pursuant to administrative decisions)**

The municipal council may issue regulations on the right to:

- a) land and take off with aircraft at specified locations in uncultivated land and watercourses. This right may be restricted to landing and take-off for particular purposes or at particular times and to companies or individuals engaged in commercial air traffic.
- b) the use of motor vehicles on lakes with an area of less than 2 km<sup>2</sup> if there are special reasons for this, which must be stated in the regulations.

The authority of the municipal council may not be delegated. A draft of the regulations shall be submitted to the county authorities and to any government agencies involved for comment. If any of these have raised objections that are not taken into account by the municipal council, the decision of the municipal council shall be sent to the county governor for approval.

In Finnmark and northern Troms (the municipalities Kvænangen, Kåfjord, Lyngen, Nordreisa, Skjervøy and Storfjord), the county governor may at the proposal of the municipal council issue regulations on the right to use snowmobiles during the period when the ground is snow-covered, along separate trails on uncultivated land and ice-covered watercourses. The municipality in question shall make provision for signposting the trails and providing information about them.

**§ 6. (permits on application)**

If there are special reasons for this, the municipality may grant permission for use of motor vehicles or aircraft that may not otherwise take place pursuant to this Act or with the legal authority of this Act.

Permission pursuant to the first paragraph may be given for specific purposes or specific periods of time. The municipality may impose conditions for such permission.

The decision of the municipality may be appealed to the county governor.

**§ 7. (authority for the Ministry to make special provisions for important areas of natural habitat and outdoor recreation areas and to limit the authority of the municipality pursuant to sections 5 and 6 and the authority of the county governor pursuant to section 5)**

The Ministry may make further provisions relating to the exercise of the municipality's authority pursuant to sections 5 and 6 and may determine that permission may not be given for certain types of motor traffic or certain purposes. The Ministry may make further provisions relating to exercise of the authority of the county governor pursuant to section 5.

For particularly important areas of natural habitat and outdoor recreation areas, the Ministry may by regulations prohibit or make further provisions relating to the motor traffic that is not permitted pursuant to the first paragraph of section 4, including motor traffic on private roads.

**§ 8. (general provisions relating to motor traffic on uncultivated land and in watercourses)**

Care and consideration shall be shown during motor traffic on uncultivated land and in watercourses in order to avoid damage or inconvenience to the natural environment and people.

**§ 9. (cooperation schemes)**

The Ministry may make provisions relating to cooperation between two or more municipalities as regards the regulation of traffic that must be coordinated across municipal boundaries.

**§ 10. (relations with landowners, etc.)**

This Act does not restrict the right of a landowner or user to prohibit or restrict motor traffic on his property pursuant to the legal rules in force at any given time.

**§ 11. (Svalbard and Jan Mayen)**

This Act applies to Svalbard and Jan Mayen only to the extent that the King so prescribes.

**§ 12. (penal liability)**

Any person who wilfully or negligently contravenes this Act or regulations, rules or conditions laid down pursuant to this Act, or who is accessory thereto, shall be liable to fines.

**§ 13. (regulations)**

The Ministry may issue regulations to implement or supplement the provisions of this Act, including restrictions on speed and motor size and s requiring motor traffic to take place at a certain distance from the shoreline.

**§ 14. (entry into force and amendments to other Acts)**

This Act enters into force from the date decided by the King.