

Outdoor Recreation Act

Act of 28 June 1957 No.16 Relating to Outdoor Recreation

Law | Date: 28/06/1957

The purpose of this Act is to protect the natural basis for outdoor recreation and to safeguard the public right of access to and passage through the countryside and the right to spend time there, etc, so that opportunities for outdoor recreation as a leisure activity that is healthy, environmentally sound and gives a sense of well-being are maintained and promoted.

The translation is not official; it is provided for information purposes only. In the event of any inconsistency, the Norwegian version shall prevail.

This translation is based on the norwegian version of 21. june 1996. Later amendments are not translated.

Chapter 1. On Access, etc.

§ 1. (Purpose of the Act)

The purpose of this Act is to protect the natural basis for outdoor recreation and to safeguard the public right of access to and passage through the countryside and the right to spend time there, etc, so that opportunities for outdoor recreation as a leisure activity that is healthy, environmentally sound and gives a sense of well-being are maintained and promoted.

1a. (What is meant by the terms «cultivated land» and «uncultivated land»)

The following are considered to be cultivated land or equivalent to cultivated land for the purpose of this Act: farmyards, plots around houses and cabins, tilled fields, hay meadows, cultivated pasture, young plantations and similar areas where public access would unduly hinder the owner or user. Small uncultivated plots of land lying in tilled land or hay meadows or fenced in together with such areas are also considered to be equivalent to cultivated land. The same applies to areas set aside for industrial or other special purposes where public access would unduly hinder the owner, user or others.

For the purpose of this Act, uncultivated land means land that is not tilled and that is not considered to be equivalent to cultivated land in accordance with the preceding paragraph.

§ 2. (Access to and passage through uncultivated land)

Any person is entitled to access to and passage through uncultivated land at all times of year, provided that consideration and due care is shown.

The same applies to access and passage on horseback or with a packhorse, sledge, bicycle or the like on roads and paths across uncultivated land and in all uncultivated mountain areas, provided that the municipality, with the consent of the owner or user, has not prohibited such passage along specified routes. The municipality's decision must be confirmed by the county governor.

For motor traffic in uncultivated areas, the Act relating to motor traffic on uncultivated land and in watercourses also applies.

§ 3. (Access to and passage through cultivated land)

Any person is entitled to access to and passage through cultivated land when the ground is frozen or snow-covered, but not in the period from 30 April to 14 October. However, this right of access does not apply to farmyards or plots around houses and cabins, fenced gardens or parks or other areas fenced in for special purposes where public access in winter would unduly hinder the owner or user.

The owner or user may, regardless of whether the area is fenced, prohibit passage across gardens, young plantations, autumn-sown fields and newly-established meadow even when the ground is frozen or snow-covered, provided that such passage is liable to cause significant damage.

The county governor may decide that the period when access to cultivated land is unconditionally prohibited pursuant to the first paragraph shall be shorter or longer than the period from 30 April to 14 October for a specific county or parts of a county.

§ 4. (Access and passage for motor or horse-drawn vehicles)

Unless otherwise provided, the owner of a private road may prohibit access by horse-drawn vehicle, motor vehicle (including bicycles with auxiliary motors) and the parking of motor vehicles on or alongside the road.

It is permitted to park on uncultivated land alongside a public road, provided that this does not cause any significant damage or inconvenience.

§ 5. (Repealed by Act of 21 June 1996 No. 37)

§ 6. (Free passage on the sea and watercourses)

Any person is entitled to free passage on the sea by boat. Any person is also entitled to free passage on ice-covered areas of sea.

For passage on lakes and rivers (open or ice-covered watercourses), the provisions of the Water Resources Act and the Act relating to motor traffic on uncultivated land and in watercourses apply.

§ 7. (Landing and mooring boats)

Any person travelling on water has the right to land a boat on a beach in an uncultivated area for a short period of time. It is not permitted to make use of a quay or jetty without the owner's or user's permission. Other mooring devices (rings, bolts, etc.) in uncultivated areas may not be used if this has been prohibited by the owner or user. The owner or user may nevertheless not oppose the use of such mooring devices for a short period of time if this can take place without unduly hindering the owner or user.

§ 8. (Bathing)

Any person has the right to bathe in the sea from a beach in an uncultivated area or from a boat provided that this takes place at a reasonable distance from an inhabited house (cabin) and without unduly hindering or inconveniencing others.

The provisions of the Water Resources Act apply to bathing from a boat or beach in a lake or other watercourse.

§ 9. (Picnicking and camping)

It is not permitted to use sites on cultivated land for picnicking, sunbathing, staying overnight or the like without the permission of the owner or user.

In uncultivated areas, it is not permitted to use sites for purposes such as mentioned in the preceding paragraph if this unduly hinders or inconveniences others. Picnicking and camping must not take place if this may cause significant damage to young forest or to regenerating forest. A tent must not be pitched so close to an inhabited house (cabin) that it disturbs the occupants, and in any case no closer than 150 metres. However, the rules on the distance from habitation do not apply in an area that has been specifically designated for camping.

Camping or another form of stay is not permitted for more than two days at a time without the permission of the owner or user. Permission for a longer stay is nevertheless not required in mountain areas or in areas distant from habitation, unless it must be expected that the stay may cause significant damage or inconvenience.

Immediately before and during the hunting season for wild reindeer, the Ministry may prohibit or regulate camping that may cause inconvenience for such hunting.

Camping and other forms of access must take place at the person's own risk as regards damage that animals may cause to persons, tents or other property.

§ 10. (Outdoor meetings, etc.)

Outdoor meetings, sports arrangements (e.g. skiing or orienteering competitions) and similar arrangements that may entail significant damage or inconvenience may not be held without the consent of the owner or user of the land that is cordoned off, or where competitors assemble or the start or finish of the competition takes place, or other areas where crowds may be expected to gather.

Trails for skiing competitions, cross-country running and the like must be routed so that damage to forest regeneration, young forest and fences is avoided as far as possible.

Chapter II. Exercising the right of access, restrictions on the right of access, etc.

§ 11. (Proper conduct and the owner's right to expel persons)

Any person who passes through or spends time on another person's property or on the sea off another person's property shall behave considerately and with due care in order not to cause damage or inconvenience for the owner, user or others or damage to the environment. Such persons have a duty to ensure that they do not leave the place in a condition that may be unsightly or lead to damage or inconvenience for any other person.

The owner or user of the land has the right to expel persons who act inconsiderately or who by improper conduct cause damage or inconvenience to the property or rightful interests.

§ 12. (Compensation for damage or inconvenience)

The normal provisions relating to compensation apply to any damage or inconvenience caused by a person during access to or stay on another person's property.

§ 13. (Unjustifiable barriers and unauthorized prohibition signs)

The owner or user of land may not by means of barriers or in any other way hinder access that is permitted by this Act, unless this serves his rightful interests and does not unduly hinder public access.

No person may without special authorization set up a sign or in any other way announce that access or bathing is prohibited in an area where access is permitted pursuant to this Act.

If a barrier, sign or notice contravenes this section, its removal may be required pursuant to section 40.

§ 14. (Fee for access to outdoor recreation areas)

The right of access pursuant to this Act does not preclude an owner or user, with the municipality's permission, from charging a reasonable fee for access to a

bathing beach, camp site or other developed outdoor recreation area, but the fee must not be out of proportion to the measures the owner or user has carried out in the area for the benefit of those who use it for outdoor recreation. Conditions may be attached to such permission.

§ 15. (Regulation of access to certain outdoor recreation areas)

In order to regulate access to an area where there are large numbers of visitors, the municipality may with the consent of the owner or user lay down rules of conduct that any person visiting the area is obliged to follow. The rules shall in particular be designed to maintain peace and order, protect plant and animal life and promote health measures and sanitary conditions. The municipality's decision must be confirmed by the county governor.

§ 16. (Closure of particularly heavily used areas)

If a property is particularly heavily used by the public, the municipality may with the consent of the owner or user determine that all or part of the property shall be closed to the public if public access causes significant damage to the property or is a serious obstacle to the use the owner or user makes or wishes to make of the property.

Such closure will be determined for a specified period of time, not exceeding five years at a time. The municipality's decision must be confirmed by the county governor.

§ 17. (Repealed by Act of 21 June 1996 No. 37)

§ 18. (Claims for the purchase of particularly heavily used areas)

The owner of land such as is mentioned in section 16 may require that the municipality where the property is situated purchases the area that is particularly heavily used if no decision is made to close it to the public or if such closure is not sufficient to protect the area.

If the matter is not settled on amicable terms, the owner may require it to be decided by official assessment pursuant to the provisions of Chapter 2 of the Judicial Assessment Act; nevertheless, the municipality shall reimburse the costs

incurred by the owner in connection with the official assessment unless such assessment finds that an exception should be made because the claimant has rejected a reasonable offer of settlement or has required official assessment without reasonable grounds. The assessment will determine whether the conditions for purchase are fulfilled, the extent of the purchase and the amount of the compensation.

§ 19. (Relationship to other Acts)

The public right of access pursuant to this Act applies with the limitations that follow from other Acts or regulations laid down pursuant thereto.

§ 20. (Statement in cases of doubt)

In the event that there is doubt or disagreement as to

- a. whether a piece of land is to be considered as cultivated or uncultivated pursuant to this Act, or
- b. what distance there shall be between a site used for picnicking or camping pursuant to section 9 and an inhabited house or whether it must be anticipated that picnicking or camping as pursuant to the third paragraph of section 9 may cause significant damage or nuisance, or
- c. whether a barrier or other hindrance, a sign or a notice is lawful (cf. section 13),

the owner, user or an outdoor recreation organization with an interest in the matter may request a statement on the matter from the municipality.

Chapter III. Administrative Agencies for Outdoor Recreation. Relationship to the Public Administration Atc.

§ 21. (Administrative agencies for outdoor recreation)

Pursuant to this Act, the following are administrative agencies for outdoor recreation:

1. The Ministry

2. The Directorate
3. The county governor
4. The county municipality
5. The municipality.

§ 22. (Tasks of the administrative agencies for outdoor recreation)

The individual agencies listed in section 21 shall carry out the tasks assigned to them pursuant to the Act, and otherwise have a general responsibility for promoting the interests of the general public as regards outdoor recreation.

The municipality, county municipality and county governor shall seek to promote outdoor recreation interests within the geographical areas for which they are responsible. The municipality and the county municipality have the right to act, lodge appeals and if appropriate bring action to safeguard public interests in all matters that are of interest for outdoor recreation. The county governor has the right to act, lodge appeals and if appropriate bring action on behalf of the state to safeguard public interests in all matters that are of interest for outdoor recreation.

§ 23. (Regulations)

The Ministry may issue further regulations to supplement and implement the Act.

§ 24. (Relationship to the Public Administration Act, including announcement and appeals)

Unless otherwise provided, the Public Administration Act applies when dealing with cases pursuant to this Act.

For cases dealt with pursuant to section 14, section 18, first paragraph, section 35, first paragraph and section 40, first paragraph, the provisions relating to individual decisions in Chapters IV, V and VI of the Public Administration Act apply. The municipality's decision may be appealed to the county governor. For cases dealt with pursuant to section 2, second paragraph, section 3, third paragraph, section 9, fourth paragraph, and sections 15, 16 and 34, the

provisions relating to regulations in Chapter VII of the Public Administration Act apply.

The municipality is responsible for ensuring that decisions made pursuant to section 2, second paragraph, section 15 and section 16 are immediately announced in one or more newspapers that are widely read locally, and if necessary by means of notices on the property or by other means.

A decision by the county governor pursuant to section 2, second paragraph, section 15 or section 16 may be appealed to the Ministry by the owner or user of the land to which the decision applies, by the municipality where the land is located, by another municipality that has an interest in avoiding restriction of public access in this way, by the county municipality or by an outdoor recreation organization with an interest in the matter.

Chapter IV. On Prohibitions Against Building, etc. and the Duty to Provide Notification of Building or Partitioning of Property

(Chapter repealed by Act of 21 April 1989 No. 17)

Chapter V. On Coercive Intervention, Official Assessment, etc.

§ 34. (Land set aside for outdoor recreation)

With the consent of the Storting, the King may prescribe that areas of state-owned land shall be set aside as land for outdoor recreation.

The King will make further provisions relating to the rights of the public in areas that the state has set aside for outdoor recreation or otherwise reserved for the purpose of outdoor recreation activities.

§ 35. (Permission for municipalities and outdoor recreation associations to exercise certain rights)

The Ministry may give municipalities and associations whose purpose is to promote tourism and outdoor recreation

- a. a general or limited right to signpost and mark trails in uncultivated land, and
- b. permission to build footbridges or carry out other measures at specified locations to facilitate access to and passage through uncultivated areas.

The right pursuant to the first paragraph, litra a, may be exercised without prior official assessment, likewise permission pursuant to litra b, provided that the Ministry so decides in the individual case. If exercise of the right or permission causes damage, the owner (or user) may require official assessment pursuant to the provisions of Chapter 2 of the Judicial Assessment Act concerning compensation to decide whether compensation can be claimed, and if so the amount of the compensation; nevertheless, the municipality shall reimburse the costs incurred by the owner in connection with the official assessment unless such assessment finds that an exception should be made because the claimant has rejected a reasonable offer of settlement or has required official assessment without reasonable grounds. In his own district, the assessment is conducted by the lensman (district sheriff).

When trails are signposted, the owner (or user) shall be notified in good time before the work is started. If he opposes such signposting, the Ministry will decide whether signposting shall be permitted and if so, how it shall be carried out.

§ 36. (Repealed by Act of 21 June 1996 No. 37)

§ 37. (Repealed by Act of 23 October 1959 No. 3)

§ 38. (Repealed by Act of 21 April 1989 No. 17)

Chapter VI. On Penal Measures and Entry Into Force

§ 39. (Penal measures)

Any person who wilfully or negligently contravenes any provisions made in or pursuant to this Act, or who is accessory to such contravention, is liable to fines unless the matter is subject to a more severe penal provision.

§ 40. (Stopping and removal of unlawful structures, etc.)

If any building, fencing or other work is begun in contravention of prohibitions or orders issued in or pursuant to this Act, the municipality may require the work to be stopped.

The municipality may require that structures, barriers or other installations, signs or notices that have been partly or wholly erected in contravention of prohibitions or orders issued in or pursuant to this Act shall be removed at the expense of the person responsible.

If necessary, the help of the police may be required to carry out measures pursuant to this section.

§ 41. (Entry into force of the Act and repeal of other Acts)

This Act enters into force on 1 July 1957.