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*Nature Conservation  
in Denmark*



CONSERVATION OF NATURE ACT 1969

(Act No. 318 of June 18th, 1969)

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*English translation by  
The Royal Ministry of Cultural Affairs*

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## CONSERVATION OF NATURE ACT, 1969

(Act No. 314, of June 18, 1969)

WE FREDERIK THE NINTH, by the Grace of God King of Denmark, of the Wends a Goths, Duke of Slesvig, Holstein, Stormarn, The Ditmarshes, Lauenburg and Oldenburg, MAKE I  
The Folketing has passed and We have given Our Royal Assent to the below Act:

### Part I

#### Purposes

1. (1) This Act shall be designed to protect the nature and landscape values of Denmark and to afford to the population the widest possible opportunity to enjoy these values.

(2) The powers conferred by this Act shall be applied in particular:

- (i) to preserve and care for large landscape areas and other areas which by reason of their scenic value or situation are of essential importance to the public;
- (ii) to preserve and care for areas, flora and fauna, as well as geological formations, whose preservation is of essential interest for scientific, educational or historical reasons;
- (iii) to provide for public access to the countryside where this is of essential importance to the open-air recreation of the population.

### Part II

#### Conservation Districts and Authorities

##### Conservation Districts

2. (1) The City of Copenhagen and each county shall constitute a Conservation District.

(2) The Minister of Cultural Affairs may decide that a county shall be divided into

##### Conservation Boards

3. (1) For each Conservation District shall be appointed a Conservation Board to be composed of a chairman and two members. The chairman, who shall be a judge, shall be appointed by the Folketing. Outside Copenhagen, the two other members shall be elected by the county council and the municipal council of the district in which the property to be conserved is situated, respectively. In Copenhagen the City Council shall elect one member each.

(2) For each member there shall be appointed or elected a substitute in accordance with the rules set out in subsection (1) of this section. The substitute to replace the member shall be a deputy judge. The member shall be appointed by a municipal council and his substitute shall be appointed by the county council. Neither must both be members of the district concerned. Where the conservation property belonging to the local authority is concerned, only the person who is a member of the council may take the consideration of the proposed conservation into account.

(3) The persons appointed or elected shall hold office for a term of four years.

(4) Where a proposed conservation concerns an area situated in two or more Conservation Districts, the Minister shall refer the matter to one of the Boards, and the Board may be co-opted one more municipal members of the other Board or Boards.

(5) The Minister may lay down

### *The Chief Conservation Board*

1) The Chief Conservation Board shall be composed of a chairman and a number of members. The chairman shall be a lawyer. Of the other members, one shall be elected by the parties represented in the Planning Committee of the Folketing and one member, while two members shall be elected by the Supreme Court of Justice and the members of the Court.

The Minister may appoint a deputy chairman. For the other members there shall be elected a substitute under the rules set out in subsection (1) of this section. A substitute to a member elected by the Supreme Court of Justice shall be a judge of the Supreme Court or satisfy the general conditions for being appointed a judge of the Supreme Court.

The members elected by the political parties and the Supreme Court of Justice shall hold office for a term of four years. If a party is no longer represented in the Planning Committee, the member concerned shall substitute shall retire from the Chief Conservation Board.

On the resolution of the Chief Conservation Board, certain matters may be decided by a committee consisting of the chairman and two other members appointed among the members elected by the political parties and by the Supreme Court of Justice, respectively.

The Minister may lay down rules of procedure for the Chief Conservation Board.

### *The Valuation Commission*

1) The Valuation Commission shall be composed of three members. The chairman shall be one of the other members shall be appointed by the Minister. The chairman shall be a graduate in law. The third member shall be elected by the local authority of the area in which the property to be valued is situated, so that in Copenhagen and Frederiksberg the member is elected by the County Council and in the rest of the country by the county council.

For each member there shall be ap-

(3) All members appointed or elected shall hold office for a term of four years.

(4) The Minister may lay down rules of procedure for the Valuation Commission.

### *Conservation Planning Committees*

6. (1) Conservation Planning Committees shall be set up for one or more counties or for areas to be specified by the Minister.

(2) The Minister shall determine the number of members and shall appoint the chairman and the other members, a majority of which shall be elected by the people. The Committee shall be composed of representatives of the local authorities in the area and of the Ministries, as well as of experts.

(3) The Conservation Planning Committees shall assist the Conservation Boards on request.

(4) The Minister shall lay down directions for the work of the Conservation Planning Committees.

### *The Nature Conservation Council*

7. (1) The Nature Conservation Council shall be composed of seven members to be appointed by the Minister. Three of the members shall be appointed on the recommendation of the faculties of science of the universities and, in appropriate cases, of other scientific (zoological, botanical or geological) institutions. One member, who shall be a forestry expert, shall be appointed on the recommendation of the Minister of Agriculture. The Minister of Cultural Affairs may, on request, confer on the recognised societies a right to submit proposals as to the appointment of the other members, one of whom shall be an architect.

(2) The members appointed shall hold office for a term of four years.

(3) The Council elects their own chairman.

(4) The Minister may lay down rules of procedure for the Council.

### *Recognised societies and institutions*

8. The Minister of Cultural Affairs may grant recognition to any society or institu-

### *Administrative expenses*

9. (1) Subject to the provisions of subsection (2) of this section, all expenses incurred in the administration of this Act shall be defrayed by the Exchequer.

(2) All expenditure relating to the Conservation Boards, as well as expenditure incurred in pursuance of section 23 (1) shall in Copenhagen or Frederiksberg be defrayed by the local authority and in the rest of the country by the county district funds. Where the property to be conserved is situated partly in any of these cities and partly in a county council area or in several county council areas, the Conservation Board shall decide on the proportion to be paid by each.

### Part III

### Conservation

#### *Purposes*

10. Under the provisions of this Chapter, conservation may be effected for any of the purposes set out in section 1 (2).

#### *Proposals of conservation*

11. The conservation of any land may be proposed by a Ministry, a municipal council, the appropriate Conservation Planning Committee, or a recognised society or institution.

#### *Rejection*

12. A Conservation Board may immediately or following a preliminary inquiry reject the proposal if, in their opinion, there can be no question at all or for the time being of conserving the area concerned.

#### *Notices, etc.*

13. (1) When the extent and nature of the intended conservation can be determined, the Conservation Board if they have not made a decision in accordance with section 12 shall publish a notice defining the object and extent of the conservation in the Official Gazette and in one or more newspapers circulating in the locality. At the same time, the owner and the occupier of the property concerned shall be informed by registered mail of the intended conservation.

en that may prevent or impede the implementation of the proposal.

(3) If no conservation is effected by the Conservation Board or the Chief Conservation Board may, on request, pay compensation in respect of such loss as is caused to private landowners by their not being able to utilise the property as before the period between the publication of the notice in the Official Gazette and the decision to proceed with the proposed conservation.

#### *Meetings*

14. (1) A meeting shall be held for the consideration of the matter; as a rule this meeting shall be held on the day concerned.

(2) The announcement concerning the holding of the meeting shall be published not less than 14 days' notice in the Official Gazette referred to in section 13 (1).

(3) To the meeting shall be summoned in writing at not less than 14 days' notice

- (i) the owner and the occupier of the property;
- (ii) any person having a mortgage on the property;
- (iii) any other person having a right in the property and being likely to be affected by the decision;
- (iv) the authority, society or institution having proposed the conservation;
- (v) the Conservation Planning Committee, the county council and the development committee concerned, as well as the municipal council;
- (vi) any other person having a right to be summoned and being likely to be affected by the decision.

(4) The persons mentioned in sub-section (3) (i) to (iii) of this section shall be summoned by registered mail.

15. In case several meetings are held for the purpose of summoning to subsequent meetings, the notice shall be made only by notifying those who have not appeared and those who have made representations pursuant to section 16 (2) shall be given through registered mail.

(1) Those who appear shall be afforded opportunity to express their opinion on the proposed conservation and make claim for compensation, stating the grounds for such claim.

Those who under section 14 (3) shall be summoned to the meeting may, even if they do not appear, submit a statement on the matter to the Board.

The Conservation Board shall attempt to reach agreement with the owner or any person having other rights over the property about the content and extent of the conservation, as well as the amount of the compensation.

#### *Notification of the Nature Conservation Council*

In the event of conservation for scientific or educational reasons, the Conservation Board shall submit the matter to the Nature Conservation Council.

#### *Content of the conservation order*

Conservation may take place by the imposition of conservation easements or by transfer of the property to the State or a local authority. The decision shall be made in the form of an order, for which the grounds shall be given and which shall specifically indicate the position of the Board on the facts and by the parties.

(1) Conservation easements may be decided to maintain the present condition, so that, for example, any future cultivation, building, interference with the flora and fauna, digging or building of any kind or of any particular kinds shall be prohibited. Conservation easements may also prescribe that manner in which the conserved area may be used in the future, including prohibition of public access to the area and the requirement of prior authorization for certain forms of use. Finally, it may be provided in special cases that any existing plantation, building or other constructions shall be retained.

(2) A conservation easement may provide public access to particular areas if this is

the Conservation Board may draw up regulations to be displayed by posting on the spot.

(3) A conservation order may include provisions as to the measures to be taken by the owner or occupier for effecting the conservation.

#### *Compensation*

21. (1) It shall be provided in a conservation order whether the owner, the occupier or any other person having rights over the property shall be entitled to compensation. In the affirmative, the amount of the compensation shall be determined. Apart from the owners and occupiers, compensation shall be payable only to interested parties who have made a claim in the case.

(2) The Conservation Board shall decide whether the compensation payable to an occupier shall be paid by reduction in his rent to the owner or, as an exception, by payment of a lump sum.

(3) A conservation order shall, when conservation easements are imposed, indicate the consequential loss in the value of the property and in the case of surrender of the property, its market value. Where any other financial loss is caused to the owner or any other beneficiary, the compensation for such loss shall be indicated as a special item, together with information, if possible, as to how it is calculated.

(4) Interest shall be paid on any amount of compensation, as from the date when the order of the Conservation Board was made and until the sum may be cashed, at an annual rate of interest exceeding by 1 per cent the bank rate fixed by the National Bank of Denmark that is in force on the said date. In special circumstances, the Conservation Board or the Chief Conservation Board may decide on a different date for the commencement of payment of interest.

(5) In the event of conservation through surrender of part of any property, then, unless otherwise provided in the particular case, all mortgages on that part of the land shall be extinguished. In such cases, compensation may be paid to the owner only with the consent of the mortgagee, unless the appropriate Board considers that such sur-

#### *Notification of decisions*

22. (1) Notice of the resolution made by a Conservation Board pursuant to section 12 shall be given by registered mail to the authority or institution who has proposed the conservation and to any other person who has been involved in the matter.

(2) A copy of the conservation order shall be sent to

- (i) the owner and the occupier of the property;
- (ii) such other persons having rights over the property as have appeared at the meeting or meetings, or made representations (cf. sect. 16 (2)), or been awarded compensation;
- (iii) a Ministry which has proposed the conservation or been represented at the meeting or meetings, or made a request for information;
- (iv) the Conservation Planning Committee, the county council and the urban development committee concerned;
- (v) the municipal council and a municipal council which has proposed the conservation or has been represented at the meeting or meetings, or has made a request for information;
- (vi) recognised societies or institutions;
- (vii) any other person who has appeared at the meeting or meetings and made a request for information, if he is supposed to have a legal interest in the decision of the matter.

(3) The persons referred to in subsection (2) (i) and (ii) of this section shall be informed by registered mail.

(4) Any person, authorities, etc., who are entitled to appeal against the decision to the Chief Conservation Board under section 24 (1) and (2) shall be notified thereof and of the time within which an appeal shall be submitted.

(5) Within eight days after the making of a conservation order, the Conservation Board shall publish a notice on the conservation in the papers mentioned in section 13 (1).

#### *Enforcement of conservation orders*

23. (1) The Conservation Board shall take

(2) In case the owner or occupier does not take the measures imposed on him by order, the Conservation Board may take the measures to be carried out at its expense.

#### *Appeal*

24. (1) The resolution made by a Conservation Board under section 12 may be brought before the Chief Conservation Board by the authority or institution who proposed the conservation.

(2) Any order and final decision by a Conservation Board may be appealed before the Chief Conservation Board of the persons and authorities, etc., mentioned in section 22 (2) (i) to (vi).

(3) Any appeal must be submitted within four weeks from the date when notified of the decision of the Conservation Board to the person or authority concerned. Provided that, if there is a special reason for doing so, the Chief Conservation Board may permit that the matter be brought before the Board even when a petition of appeal is received after the expiration of the said time limit but within three months after the making of the order.

#### *Submission*

25. Any order involving a public expense in an expense of over 50,000 kroner, the payment of compensation shall by the Conservation Board be submitted to the Chief Conservation Board.

#### *Consideration of appeals by the Chief Conservation Board*

26. Before deciding on a question brought before the Board under section 24, the Chief Conservation Board shall summon the appellant, as well as the authorities and persons mentioned in section 14 (3) (vi).

(2) The provisions of sections 13 and 14 shall apply in like manner to property which is not without being covered by the order of the Conservation Board is included in

27. The Chief Conservation Board may modify the decision of a Conservation Board, e. g. increasing or restricting the extent of a conservation. This shall apply irrespective of who has originally proposed the conservation or brought it before the Chief Conservation Board and notwithstanding any claims made before the Board.

#### *Remission*

28. Where the decision of a Conservation Board is to the effect that no action shall be taken, the Chief Conservation Board may, if in their opinion the land should be conserved, remit the case for reconsideration to the Conservation Board. Remission may also take place where the Chief Conservation Board decides to increase the extent of the conservation.

#### *Compensation*

29. The Chief Conservation Board shall attempt to reach an agreement with the beneficiaries on the content and extent of the conservation, as well as on the amount of the compensation. Where agreement is not reached on compensation, the Chief Conservation Board shall, after deciding on the content and extent of the conservation, submit the question of compensation to the Valuation Commission for decision.

#### *Valuation*

30. (1) The owner and the occupier of the property, as well as any other person who according to the evidence available is supposed to have a legal interest in the valuation, shall be summoned for valuation, which is normally held on the land concerned.

(2) Summons under subsection (1) of this section shall be made by registered mail and contain information about the decision of the Chief Conservation Board, with respect to content and extent of the conservation.

(3) The Valuation Commission shall state the grounds of their decision, and the decision shall expressly indicate the position of the Commission on the facts alleged by the parties. The provision of section 21 (3) shall apply in like manner.

(4) The Valuation Commission shall furnish to the Chief Conservation Board a complete copy of their decision. The owner and the occupier of the property concerned, as well as any other person who is likely to have a legal interest therein and makes a request therefor, shall receive an extract quoting the passages relevant to the person concerned.

(5) In special cases, the Chief Conservation Board may, following the decision of the Valuation Commission, reconsider the question concerning the content and extent of the conservation.

#### *Notification and enforcement of the decisions of the Chief Conservation Board*

31. The provisions of section 22 (1), (2) and (4) and section 23 shall apply in like manner with respect to any order and decision made by the Chief Conservation Board.

#### *Submission to the Minister*

32. (1) Where the order or decision of the Chief Conservation Board involves a public authority in an expense of over 200,000 kr. on payment of compensation, the order or decision shall be submitted to the Minister, who shall decide whether he will ask for an appropriation for the payment of the part of the sum to be paid by the Exchequer.

(2) When the Exchequer's part of the compensation has been granted, the local authorities concerned (cf. sect. 33) shall be under a duty to pay their share.

#### *Distribution of compensation between Central and Local Government*

33. (1) The Exchequer shall pay three-quarters of the conservation compensation. The remaining one-quarter shall be paid by the county district fund concerned. If the conserved area is situated entirely in Copenhagen or Frederiksberg, the remaining one-quarter shall be paid in full by the local authority concerned. Where the area is situated partly in one of the said cities and partly in a county council area, or in several county council areas, the Conservation Board or the Chief Conservation Board shall decide on the distribution.

(2) The Chief Conservation Board may decide, if not less than five members vote in favour thereof, that the Exchequer shall pay up to nine-tenths of the compensation if the conservation concerned entails large expenses and is of importance to the whole or large parts of the country, and when the town or county council covering the area to be conserved has no particular interest in its conservation.

(3) A Conservation Board or the Chief Conservation Board may order a local authority which is not liable to pay compensation under subsection (1) of this section to pay an appropriate proportion of the compensation when the inhabitants of the area served by the local authority are likely to derive substantial benefit from the conservation.

#### *Amendments of conservation orders*

**34.** (1) A Conservation Board may grant exemptions from the provisions of any conservation order which has not been brought before the Chief Conservation Board. A Conservation Board may also, if all members vote in favour thereof, revoke such order, in whole or in part.

(2) The Chief Conservation Board may grant exemptions from the provisions of any conservation order which has been made by the Board, and revoke such order, in whole or in part.

(3) Any decision under subsections (1) and (2) of this section shall be made by order.

(4) Before taking any decision under subsection (1) or (2) of this section, the Board concerned shall consult with the applicant and with those who are entitled under the order to institute proceedings.

(5) Notice of the decision shall be served

- (i) the persons and authorities, etc., mentioned in subsection (4) of this section;
- (ii) the owner and the occupier of the property;
- (iii) the municipal council, the county council, the Conservation Planning Committee and the urban development committee concerned;
- (iv) recognised societies and institutions;

(v) any other person who is supposed to have a legal interest in the decision of the matter.

The provision of section 22 (3) shall apply in like manner.

(6) Any decision made by a Conservation Board may be brought before the Chief Conservation Board by any of the persons and authorities, etc., mentioned in subsection (5) of this section. The provision of section 24 (3) shall apply in like manner.

(7) Where a decision in pursuance of subsection (1) or (2) of this section results in a considerable increase in the value of the land concerned, the exemption or revocation may be made conditional upon payment to the Exchequer of a sum that must not exceed the increase in value.

(8) The Conservation Board shall take the necessary action for the enforcement of any decision made in pursuance of subsections (1) and (2) of this section.

#### Part IV

#### Planning

##### *Landscape analyses*

**35.** The Conservation Planning Committees shall carry out landscape analyses and draw up guidelines to support the planning and administrative activities of other authorities.

##### *Conservation plans*

**36.** On the basis of the landscape analyses referred to in section 35 the Conservation Planning Committees shall, at the request of the Minister of Cultural Affairs or on their own initiative, prepare conservation plans in respect of areas where there may be question of conservation under part III of this Act or public acquisition under section 61.

**37.** (1) Conservation plans shall be approved by the Minister after consultation with the Chief Conservation Board. The Conservation Planning Committee shall publish a notice in the Official Gazette about the approval of the plan and shall

arrange for the plan to be registered with respect to the land covered by the plan. Notice of the approval shall also be published in one or more newspapers circulating in the locality.

(2) When a notice has been published in the Official Gazette, no alteration may be made in the condition of the areas concerned without the permission of the Conservation Planning Committee until announcement has been made of the intended conservation (cf. sect. 13) or of the abandonment of the plan. Alterations due to changes in cultivation within usual farming and forestry practices may however be made without any permission.

**38.** In the event of refusal by a Conservation Planning Committee of a request for permission pursuant to section 37 (2), the owner may require the Conservation Planning Committee to take up the question of conservation.

**39.** Where the Minister decides that a conservation plan shall be annulled, in whole or in part, the Conservation Planning Committee shall publish a notice thereof as mentioned in section 37 (1) and shall arrange for cancellation of the plan on the land concerned. Cancellation shall also take place where the proposed conservation has been taken up for consideration.

#### *Prohibition*

**40.** Where land is likely to be used in a way that will be contrary to a conservation plan in the course of preparation, the Minister may, at the request of the Conservation Planning Committee, prohibit such use. The prohibition shall apply for a period of twelve months but may be extended for another twelve months, if warranted by special circumstances.

#### Part V

#### Structures, Works and Facilities in Open Country

##### *Scope*

**41.** The provisions of sections 42 to 45 shall apply only to structures, etc., located outside urban and built-up areas.

##### *Public structures and works*

**42.** (1) Public structures and works shall be so located and laid out as not to disfigure unnecessarily the countryside.

(2) The Minister of Cultural Affairs may, with the consent of the Minister or Ministers who are responsible for the construction works concerned, direct that the location and lay-out of specified types of public structures, etc., shall be approved by the Minister of Cultural Affairs or the appropriate Conservation Planning Committee. Furthermore, if the Minister or a Conservation Planning Committee cannot approve a project submitted to him or them, or if the construction authority cannot accept conditions attached to the approval, directions may be given for any construction authority to bring the matter before the Conservation Board concerned for decision. Any directions in pursuance of the first and second sentences of this subsection may be made for the whole or for specified parts of the country.

##### *Camping sites, caravan sites, storage places, etc.*

**43.** (1) Storage places and the like which are not economically necessary to carry on agriculture, forestry or the fishing trade, as well as refuse dumps, motordromes and other racecourses, camping sites, caravan sites and filling stations, may be established only with the permission of the Conservation Planning Committee.

(2) Where the use of land for any of the purposes set out in subsection (1) of this section causes great inconvenience or has a highly disfiguring effect on the surroundings, the Conservation Planning Committee may order the owner to establish fences, or plantations or take any other measures capable of removing the nuisance. This shall apply irrespective of when the facilities were established and whether this was done by virtue of a permission pursuant to subsection (1) of this section.

##### *Other private works*

**44.** (1) The Minister of Cultural Affairs may, with the consent of the Minister or Ministers responsible for the construction works concerned, direct that the location

and lay-out of specified types of private works shall be approved by the Minister of Cultural Affairs or the appropriate Conservation Planning Committee. Any directions in pursuance of the first sentence of this subsection may be made for the whole or for specified parts of the country.

(2) Any approval in pursuance of subsection (1) of this section for the utilisation of special deposits in the soil may be rendered subject to the conditions (i) that the utilisation shall take place under an approved plan, (ii) that the areas used for digging and depositing of materials shall through appropriate treatment and planting be brought into such condition as not to disfigure the countryside, and (iii) that the necessary security shall be provided for the fulfilment of any of these conditions.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, a landowner may always, without approval, utilise for his own use any deposit in the soil of peat, gravel, lime, etc., or confer on others a corresponding limited right of utilisation.

45. (1) If the Minister or a Conservation Planning Committee cannot approve any work mentioned in section 44, or if the owner or the person constructing the works cannot accept any condition attached to the approval, the Minister or the Conservation Planning Committee shall, on request, raise the question of conservation under Part III.

(2) As concerns projects for the utilisation of deposits in the soil, however, no request can be made to raise the question of conservation, if the approval is limited in time or the conditions set out in section 44 (2) are prescribed.

#### Part VI

##### Building Lines, etc.

###### *The coast protection line*

46. (1) On beaches and other strips of coast where there is no continuous turf or any other continuous land vegetation and in areas being within a distance of 100 m from where that vegetation begins, there must not.

(i) be placed any buildings, sheds, caravans, etc., erected any poles, made any alterations of the ground, deposited any refuse and the like;

(ii) be carried out any planting or fencing, apart from fencing on agricultural and forestry holdings.

(2) The provision of subsection (1) (ii) of this section shall not apply to any woodland, plantation or garden where there was lawful growth before 1st January 1968.

(3) Where under the legislation hitherto in force a smaller area of prohibition than stated in subsection (1) of this section was prescribed through registered declaration, the prohibition shall continue to apply to such area.

(4) The provision of subsection (1) of this section shall not apply to.

(i) any existing defensive structures;

(ii) any harbours with adjoining land areas;

(iii) any areas which at 1st July 1937 belonged to the urban sites of Copenhagen or the provincial towns;

(iv) any areas exempted from the building prohibition, etc., pursuant to regulations made under the legislation hitherto in force.

(v) any strips of coast to which the Prevention of Sand-Drift Act applies, unless otherwise directed by the Minister of Cultural Affairs.

(5) Any building erected between the coast and the protection line before 1st July 1937 or by virtue of exemption granted under the rules hitherto in force may be rebuilt or altered only in conformity with designs and specifications approved by the Conservation Board.

(6) In quite special circumstances, a Conservation Board may, provided all members vote in favour thereof, grant an exemption from the prohibition of subsection (1) of this section.

(7) The Minister may direct that the provision of subsection (1) of this section shall not apply to specified areas. A notice to that effect shall be published in the Official Gazette and in one or more newspapers circulating in the locality.



(8) The Minister may make regulations prohibiting, in whole or in part, the setting up of tents in the strips of coast referred to in subsection (1) of this section. Such regulations may be made for the whole or for specified parts of the country.

*The building line along woodlands, fresh waters, and roads*

47. (1) There must not, without the permission of a Conservation Board, be placed any buildings, sheds, caravans, or the like within a distance of.

- (i) 300 m from public woodland areas, and from private woodland areas of 20 ha or over, including continuous or mainly continuous woodland areas belonging to different forests;
- (ii) 150 m from lakes having an expanse of water of not less than 3 ha and public watercourses having a bottom width of not less than 4 m; and
- (iii) 150 m from such major roads and highways as are mentioned in section 3 (2) (a) to (c) of the Management of Public Roads Act. Where building lines have been laid down under sections 40 and 41 of that Act, the 150 m shall be reckoned from these lines.

(2) The provision of subsection (1) of this section shall not apply to

- (i) any existing defensive structures;
- (ii) any harbours with adjoining land areas;
- (iii) any buildings which are economically necessary to agriculture, forestry and the fishing trade and not used for dwelling purposes;
- (iv) any areas where lawful building in a large measure was commenced before 1st January 1968 within the lines set out in subsection (1) of this section.

(3) In cases relating to building, etc., within 300 m from such woodland areas as are mentioned in subsection (1) (i) of this section, the forest owner concerned shall be summoned to the meetings of the Board in accordance with the provisions of section 14 and be afforded an opportunity to make representations. The provisions of sections 15, 16 (2) and 58 (1), (4) and (5) shall apply in like manner.

(4) The Minister may direct that the provision of subsection (1) of this section shall not apply to specified areas. A notice to that effect shall be published in the Official Gazette and in one or more newspapers circulating in the locality.

(5) Notwithstanding the provision of subsection (1) of this section, a few caravans may be stationed on developed land for a short time in direct connection with the part of the buildings that is used for dwelling purposes, provided the caravans are not let out and no charge is made for such stationing.

(6) The Minister may make regulations prohibiting, in whole or in part, the setting up of tents within the lines set out in subsection (1) of this section. Such regulations may be made for the whole or for specified parts of the country.

Part VII

Fixed Ancient Monuments

48. (1) Any barrows, stone cists, castle mounds, defensive structures, ruins or bridges which are either visible in the countryside or have been registered under section 52 must not be damaged or altered, and the area in which they are situated must not be divided through parcelling out, redivision or change of boundaries without the consent of the State Antiquarian and the Conservation Board. The same protection shall be afforded to other ancient monuments, such as millraces and dams, stone-banks, stone-rows, canals, and any structure by and in lakes, brooks and holy wells, etc., provided registration has been made under section 52.

(2) Any menhirs, petroglyphic stones and other stones of worship, runic stones, crosses, milestones, and the like must not be altered or moved without the consent of the State Antiquarian and the Conservation Board.

(3) Any ancient monuments in the territorial waters, such as stone cists, navigational obstructions, harbours and bridges, must not be damaged or altered without the consent of the State Antiquarian. The

finding  
with be

49. (1) there a villages, monume so far as The find State A shall be l State Ar inform tl whether spende — if step monume this secti tion has shall be c ter the d: The Stat penses of out on l authority

(2) The ners for previous — if step ment in j section — has been sated by agreemen compensa Valuation

(3) If tl the ancier on the s agreemen not be ac the comp commend sition of adjoining by approj Appropriis Act.

(4) The access to carried out tioaed in

finding of any such structure shall forthwith be reported to the State Antiquarian.

49. (1) Where during excavation work there are found tombs, burial places, villages, ruins or any other fixed ancient monuments, the work shall be suspended in so far as it affects the ancient monument. The find shall forthwith be reported to the State Antiquarian and the objects found shall be handed over to him on request. The State Antiquarian shall as soon as possible inform the person who carries out the work whether this may continue or shall be suspended until an inquiry has been made or — if steps are taken to acquire the ancient monument in pursuance of subsection (3) of this section — until the question of acquisition has been finally decided. Any inquiry shall be completed within twelve months after the date on which the find was reported. The State Antiquarian shall defray the expenses of the inquiry. If the work is carried out on behalf of a public authority, that authority shall defray the expenses.

(2) The loss incurred by private landowners for not being able to continue their previous operation pending the inquiry or — if steps are taken to acquire the monument in pursuance of subsection (3) of this section — until the question of acquisition has been finally decided shall be compensated by the State Antiquarian. Where agreement cannot be reached about the compensation, this shall be fixed by the Valuation Commission.

(3) If the State Antiquarian considers that the ancient monument ought to be preserved on the spot for posterity, then, provided agreement on a different arrangement cannot be achieved, he shall not later than on the completion of the inquiry submit a recommendation to the Minister for the acquisition of the ancient monument with any adjoining area. The acquisition may be made by appropriation under the provisions of the Appropriation of Real Property (Procedure) Act.

(4) The State Antiquarian may claim access to places where excavation work is carried out and where such finds as are mentioned in the first sentence of subsection (1)

of this section are likely to appear during the work.

50. Where a fixed ancient monument is damaged, altered or moved, the State Antiquarian may order the owner and the occupier to restore it to its previous state within a reasonable time, unless it is shown that the damage is not due to any fault or neglect on their part. If the order is not complied with, the State Antiquarian may cause the work to be carried out at the expense of the owner and the occupier.

51. (1) Subject to section 50 the State Antiquarian may, having duly identified himself, claim access to any fixed ancient monument and may cause such monument to be examined and repaired, provided this does not involve the owner in any expense. The State Antiquarian may also claim access to such places where there may be reason to believe that there is an ancient monument.

(2) If in the opinion of the State Antiquarian the public should be given access to a fixed ancient monument, and provided an agreement cannot be achieved without compensation, he shall submit a recommendation to the Minister for the acquisition of the ancient monument and any adjoining area. The same shall apply if for other reasons the State Antiquarian considers that the monument should belong to the public authorities.

52. The State Antiquarian may request that a note on the existence of any fixed ancient monument as mentioned in section 48 be registered in respect of the land concerned.

53. (1) Within a distance of 100 m from any such ancient monument as mentioned in section 48 (apart from crosses, milestones, or the like), there must not without the consent of the Conservation Board be placed any buildings, sheds, caravans, etc., erected any poles, carried out any planting or alteration of the ground or taken any measures that may materially disfigure the ancient monument. In woodland areas where trees were growing before 1st March 1961, replanting may take place, subject to a condi-

tion that, unless the Conservation Board otherwise permits, the planting shall be kept at a distance of not less than 5 m from the foot of the monument. The Conservation Board may change the boundaries of the area mentioned in the first sentence of this subsection, provided it is not increased. Before making any decisions under this section, the Conservation Board shall consult the State Antiquarian.

(2) The Minister may make regulations prohibiting, in whole or in part, the setting up of tents within the line indicated in the first sentence of subsection (1) of this section.

### Part VIII

#### Public Access

##### *Beaches*

54. (1) Any beaches and other strips of coast where there is no continuous turf or other land vegetation shall be open to the public for passage on foot and for a short stay and bathing. On private land, no stay or bathing shall however be allowed within 50 m of dwelling houses. In places where stay and bathing are allowed, it shall also be permitted to have a boat without motor on the beach for a short time. Any passage, stay, and bathing shall be on the public's own responsibility.

(2) The provision of subsection (1) of this section shall not apply to

- (i) any area which before 1st January 1916 were laid out as a garden or included under a trade or business run on the land concerned;
- (ii) any existing defensive structures;
- (iii) any harbours with adjoining land areas.

(3) Any beach along dikes constructed under the dike legislation shall be open to the public only in so far as this is decided by the Conservation Board, and with the consent of the Dike Board. Any expense incurred in connection with public access to these beaches shall be refunded to the Dike Board by the Exchequer and the county district fund concerned in equal proportions.

(4) A Conservation Board or, with respect

to areas owned or used by the State, the Minister of Cultural Affairs may in special cases grant exemption from the provision of subsection (1) of this section.

(5) The provision of subsection (1) of this section shall not prevent any construction of breakwaters, eel weirs, cattle fences or bathing jetties, provided a passage is kept open behind, above or through any such structure.

(6) All questions concerning the exercise of the right to pass, stay and bathe in the places concerned shall be decided by the Conservation Board concerned or, with respect to areas owned or used by the State, by the Minister of Cultural Affairs.

(7) Where access to the beach is of particular importance to the public, and there is no sufficient means of access thereto, the municipal council shall, at the request of the Minister of Cultural Affairs, lay out a public path under the provisions of the Management of Public Roads Act.

(8) The Minister of Cultural Affairs shall make general regulations concerning passage and stay, etc., in such areas as are mentioned in subsection (1) of this section. Further regulations may be made by the Conservation Board with the consent of the Dike Board in respect of such beaches as are mentioned in subsection (3) of this section and, as concerns other beaches, by the Conservation Board at the owner's request.

(9) The provisions of this section shall not restrict any rights in respect of beaches open to the public on any other legal basis.

(10) Subject to the provisions of subsection (12) of this section, where public access to private areas as mentioned in subsection (1) of this section causes considerable inconvenience to him, the owner may require the property to be taken over by the State. The take-over shall be made at a price which, in the absence of agreement, shall be determined by the Valuation Commission.

(11) Any request to take over shall be submitted to the Minister of Cultural Affairs through the appropriate Conservation Planning Committee. If the Minister is not satisfied that there is considerable inconvenience, he shall submit that question to the Chief Conservation Board for decision.

(12) Where the State does not for the time being wish to take over the property, the Minister shall inform the owner thereof and, in that case, the latter may forbid public access to the area for the time being. The State may reopen the case at any time. Until six months after notice has been given of the decision to the owner, the latter may declare that he does not now wish the property to be taken over by the State. If so, he can no longer forbid public access to the property. In the absence of any declaration on the part of the owner, the property will be taken over by the State, possibly following a new valuation. Notwithstanding the provisions of the second, third and fourth sentences of this subsection, the Minister may at any time demand the raising of a prohibition issued pursuant to the first sentence of this subsection, if conditions have changed in such a way that public access is no longer supposed to cause any considerable inconvenience to the owner. The latter may require the question to be brought before the Chief Conservation Board for decision.

#### *Woodlands*

55. (1) Any woodland area belonging to the State, a local authority, a church, an incumbency or a public establishment, and to which there leads a public road or path, or to which there is any other lawful means of access, shall be open to the public under regulations to be made by the Minister of Agriculture. In special cases, the Minister of Agriculture or, with respect to woodland areas not belonging to the State, the Conservation Board concerned may permit that the woodland area be closed, in whole or in part, to the public.

(2) Any private woodland area, including forests consisting of several plots, of 5 ha or over to which there leads a public road or path, or to which there is any other lawful means of access, shall be open to the public under the provisions of subsections (3) to (5) of this section.

(3) Unless the owner permits more extensive rights of access

- (i) only passage on foot shall be allowed;
- (ii) passage and stay shall be allowed only on existing roads;

(iii) passage and stay shall not be allowed during the hours from sunset until 7 a.m. (in the months November to February, until sunrise);

(iv) it shall not be allowed to stay within 50 m of dwelling houses;

(v) dogs shall be led.

(4) The owner may forbid public access

(i) on days of hunting;

(ii) to areas where intensive logging is carried on.

(5) In special cases, a Conservation Board may permit that the woodland area be closed, in whole or in part, to the public. Furthermore, the Conservation Board may, at the request of the owner, make special regulations for public passage and stay in the woodland area.

(6) Any passage and stay in the woodland areas shall be on the public's own responsibility. The provisions of subsections (1) and (2) of this section shall not apply to any woodland areas marked as military installations.

(7) The forest owner or his representative may require any person who passes in the woodland area otherwise than permitted to give his name, occupation and address. If such particulars are not given, or do they appear unacceptable, the person concerned may be taken to the nearest police authority. The person concerned may request that the woodland area be taken over

(8) Where public access to a private woodland area causes considerable inconvenience to the owner, the latter may request that the woodland area be taken over by the State. The provisions of the second sentence of subsection (10) of section 54 and of subsections (11) and (12) of section 54 shall apply in like manner.

#### *Uncultivated areas*

56. (1) Any uncultivated area to which there leads a public road or path, or to which there is any other lawful means of access, shall be open to the public for passage on foot and for a short stay. Any passage or stay shall be on the public's own responsibility. Unless otherwise decided by the owner, private areas shall be open for

access only from 7 a.m. until sunset, and on such areas any passage or stay shall be forbidden within 150 m of dwelling houses, unless a more extensive right follows from section 54.

(2) The provision of subsection (1) of this section shall not apply to private areas which in their entirety are properly enclosed. A Conservation Board or, with respect to land owned by public authorities, the appropriate authority may in special cases grant exemption from the provision of the first sentence of subsection (1) of this section.

(3) Where the passage and stay of the public on private uncultivated areas causes considerable inconvenience to the owner, the latter may request that the land be taken over by the state. The provisions of the second sentence of subsection (10) of section 54 and of subsections (11) and (12) of section 54 shall apply.

#### Part IX

##### Open-Air Advertising, etc.

**57.** (1) No advertisements or propaganda signs may be placed in the open air.

(2) The provision of subsection (1) of this section shall not apply to

- (a) any advertisements or propaganda signs set up in or facing streets, roads or squares in urban or built-up areas;
- (b) any advertisements relating to trade or business, provided the advertisement is posted in direct connection with the trade or business;
- (c) any road-traffic propaganda signs approved by the Council for the Promotion of Road Safety;
- (d) any placards posted in connection with a general election or an election to municipal or other public councils, as well as referenda.

(3) A Conservation Board may permit the posting of advertisements and propaganda signs in racecourses, boat-race courses, etc. and, as an exception, in ferry ports.

(4) A Conservation Board may prohibit advertisements and propaganda signs that

are lawful under subsection (2) (a) and (b) of this section, if they dominate the landscape too much or are visible over great distances.

(5) The highway authorities may with the consent of the Conservation Board concerned permit the setting up of signs solely referring to the location of a trade or business.

(6) The provisions of this section on road advertising shall apply to all placards, pictures, signposts, electric signs and other appliances for purposes of publicity, as well as buildings containing only exhibition and show rooms.

(7) A Conservation Board may in special cases permit the erection of such buildings as are mentioned in subsection (6) of this section.

#### Part X

##### Appeals, etc.

**58.** (1) An appeal may be made against the decisions of a Conservation Board to the Chief Conservation Board by

- (i) the applicant;
- (ii) the owner and the occupier of the property;
- (iii) the Minister of Cultural Affairs;
- (iv) the appropriate Conservation Planning Committee;
- (v) the appropriate county council;
- (vi) the municipal council;
- (vii) any recognised society or institution;
- (viii) the Nature Conservation Council where a Conservation Board has granted permission under section 46 (6) (cf. sect. 46 (1) (i)).

(2) An appeal may be made against the decisions of a Conservation Planning Committee under section 43 to the Minister of Cultural Affairs by any of the persons or authorities, etc., mentioned in subsection (1) (i) to (ii) and (v) to (vii) of this section.

(3) An appeal may be made to the Minister by any of the persons or authorities, etc., mentioned in subsection (1) (i) to (ii) and (iv) to (vii) of this section against the decision of the State Antiquarian under section 48 e. g. as to what is covered by the

concept of fixed ancient monuments, and its delimitation. An appeal may be made to the Minister by the owner or occupier of the property against the decision of the State Antiquarian under section 49 (1) and section 50.

(4) Notice of the decisions referred to in subsections (1) to (3) of this section shall be given to those who under the said provisions may bring an appeal against the decision. The notice shall contain information of the right to bring the matter before the Chief Conservation Board or the Minister, as well as the time within which an appeal must be made.

(5) The term of appeal shall be four weeks as from the date on which the person concerned was notified of the decision: Provided that, if warranted by special reasons, the body of appeal may permit an appeal to be brought even where application therefor is received after the expiration of the said term but within three months after the date of the decision.

#### Part XI

##### Various Kinds of Conservation

59. The Minister of Cultural Affairs may through the publication of a notice order the protection of any flora and fauna (apart from mammals and birds) in the whole or in specified areas of the country.

60. On government property and in territorial waters the Minister may through the publication of a notice order preservation for the achievement of such purposes as are mentioned in section 1.

61. The Minister may acquire areas to the State for the achievement of such purposes as are mentioned in section 1.

#### Part XII

##### Other Provisions

62. The Minister of Cultural Affairs may make regulations for the supervision and care of conserved areas.

63. No refuse, etc., may be dumped or deposited on any property without the permission of the owner.

64. Any conditions attached to a permission or an approval granted under this Act, or any regulations made under this Act, shall be binding on the owner and on any person having other rights over the property irrespective of the time at which such a right was created. The condition may be registered on the property.

65. (1) The conservation authorities may, after having duly identified themselves, and, as far as possible, after giving previous notice to the owner or occupier of the intended visit, enter upon the property concerned with a view to inspection.

(2) The inspection may be made without summoning the parties to the case.

#### Part XIII

##### Penalties, Commencement, and Transitional Provisions

66. (1) Any person who

- (i) offends against the provisions of section 13 (2), section 37 (2), section 43 (1), section 46 (1) and (5), section 47 (1), section 48, section 49 (1), section 53 (1), section 57 (1), and section 63;
  - (ii) takes any action contrary to a conservation order;
  - (iii) disregards any conditions prescribed in a permission or an approval granted under this Act, or any regulations made under this Act, or a conservation order;
  - (iv) acts in contravention of any prohibition issued under section 40 and section 57 (4);
  - (v) fails to comply with any order made under section 43 (2);
  - (vi) prevents the public from exercising their rights of access (passage, stay and bathing) under Part VIII;
  - (vii) grossly or repeatedly infringes regulations for the maintenance of order made under this Act
- shall be liable to a fine.

(2) Any regulations made under this Act

may provide for the penalty of a fine for contravention of the regulations.

(3) In respect of any offence committed by a joint-stock company, a co-operative society, or the like, the company or society as such may be held liable for payment of a fine.

(4) The period of limitation for liability to punishment for any of the offences set out in subsection (1) (i) to (iii) of this section (apart from section 13 (2) and section 63) shall be five years.

**67.** (1) An owner shall be required to set right any unlawful matter on the property, unless the appropriate authority grants exemption therefrom in special circumstances.

(2) Where an order made under a judgment to set right any unlawful matter is not complied with within the time limit prescribed in the judgment, and the recovery of enforcement fines is not likely to result in the compliance by the person concerned with the order, the appropriate authority may take the necessary action for setting the matter right at the owner's expense.

**68.** (1) This Act shall come into force on 1st October 1969: Provided that the provisions of section 33 and the second sentence of subsection (3) of section 54 of this Act shall come into force on 1st April 1970.

(2) The following Acts and legal provisions shall be repealed:

- (i) The Conservation of Nature Act, No. 140, of 7th May 1937;
- (ii) the Reserves (Mammals and Birds) Act, No. 91, of 7th April 1936;
- (iii) section 4 (4) of the Real Property (Parcelling Out and Amalgamation, etc.) Act (cf. Legislative Notification, No. 119, of 10th April 1967).

**69.** (1) Act, No. 140, of 7th May 1937 shall apply to conservation proposed before 1st October 1969 under part III of that Act.

(2) Any orders restricting the rights of access of the public to the beach which have been made under section 23 (3) of the Act, No. 140, of 7th May 1937 shall remain

in force until otherwise provided by the Conservation Board or the Chief Conservation Board.

(3) Regulations, No. 221, of 27th May 1937 on public access to any woodland areas, including plantations, belonging to the state, a local authority, a church, an incumbency, or a public establishment shall remain in force until new regulations are made under this Act.

(4) Any application for exemption from the provision of section 25 (1) of Act, No. 140, of 7th May 1937 that has been received by the Minister of Cultural Affairs before 1st October 1969 shall be dealt with under the provisions of the fourth sentence of subsection (5) of section 25 of that Act.

(5) Any conservation plan published before the coming into operation of this Act shall remain in force and shall have such legal effects as are mentioned in section 37 (2) of this Act.

(6) Any regulation on scientific reserves made under the previous legislation shall remain in force and may be prolonged until it is repealed, possibly in connection with the conservation of the reserves under Part III of this Act.

**70.** (1) As concerns the validity of appointment and election of members to the conservation authorities set out in sections 3 to 7 of this Act which have been made under Act, No. 140, of 7th May 1937, the provisions of subsections (2) to (6) of this section shall apply.

(2) Any appointment or election of members to the Conservation Boards shall remain in force. The appointments shall be prolonged until 1st October 1973.

(3) Any appointment or election of members to the Chief Conservation Board that expires in June 1969 shall be prolonged until 1st October 1969.

(4) The appointments of the chairman and of a member of the Valuation Commission, which expire in June 1969, shall be prolonged until 1st October 1969. The election of the third member shall remain in force. New election of that member before 1st April 1970 shall take place under the provi-

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sions of section 5 of Act, No. 140, of 7th May 1937.

(5) The appointment of members to the Conservation Planning Committees shall remain in force.

(6) Any appointment of members to the

Nature Conservation Council that expires in June 1969 shall be prolonged until 1st October 1969.

**71.** This Act shall not extend to the Faroe Islands and Greenland.

*Given at Christiansborg Palace*

*this eighteenth day of June of the year one thousand nine hundred and sixty-nine.*

Under Our Royal Hand and Seal.

FREDERIK R.

K. Helveg Petersen.

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