

Game Conservation Areas Act (SFS 2000:592)

General provisions

Section 1. Under this Act, two or more property units may be merged into a game conservation area, for the purpose of promoting game conservation through the co-ordination of hunting and measures for the protection and support of game.

For the purpose of such co-ordination, the owners of property units included in the area may form a game conservation area association.

For the purposes of this Act, the term “property unit” also denotes part of a property unit.

Section 2. A game conservation area may not include land where the Sami are entitled to hunt under the Reindeer Husbandry Act (1971:437), in the case of Crown land above the cultivation limit over which the State has an immediate right of disposal, or in reindeer-grazing mountains. On other land where the Sami have hunting rights under the Reindeer Husbandry Act, those rights may not be circumscribed through the formation of a game conservation area.

Section 3. A decision for the formation of a game conservation area is made by the County Administrative Board. In this connection the County Administrative Board shall examine and adopt articles for the game conservation area association in the respects indicated in Section 16.

Section 4. The owner of a property unit included in a game conservation area is a member of the game conservation area association.

Whosoever is entitled by grant for at least a year to hunt on a property included in a game conservation area shall on request be accepted as a member of the game conservation area association for the duration of the grant, failing special reasons to the contrary.

Section 5. If the value of a hunting right granted is reduced by the formation of a game conservation area, the payment for the right of user shall be reduced to a reasonable amount. If the usufructuary wishes to cancel the agreement by reason of the formation, he may do so. If the formation of the game conservation area entails an appreciation of the right of user, the property owner may cancel the agreement if the usufructuary does not consent to a reasonable increase in the payment.

Proceedings for reduction of the payment shall be filed within two months of the usufructuary being apprised of a binding decision on the formation of the game conservation area. A party wishing to cancel the agreement shall do so within the same length of time after being apprised of the decision. If the time limit is not observed, the right to file proceedings or cancel the agreement shall lapse.

Section 6. A decision under this Act shall also apply to new members.

Conditions of formation

Section 7. In order for the formation of a game conservation area to be permissible, the formation must

1. promote the conservation of the game species to which the co-ordination refers,
2. be appropriate having regard to the nature and extent of the area,
3. be consented to by a majority of property owners within the area.

The majority shall comprise at least four-fifths of the number of property owners and shall own at least four-fifths of the acreage of the game conservation area. In a land consolidation area as referred to in Section 1 of the Land Acquisition Act (1979:230), the majority shall instead comprise at least half the number of property owners and these shall own at least half the acreage of the game conservation area.

When a vote is taken, each property owner, whether owning one or more property units, shall have one vote. Joint owners of a property unit have one vote together.

Section 8

A game conservation area may not include any property unit which, having regard to its extent or use, is of no importance for the activities in the game conservation area.

A property unit which can appropriately continue as a unit in its own right for game conservation purposes may not be attached to a game conservation area without the owner's consent. The same applies if there are two or more property units having the same owner.

Formation procedure

Section 9. Application for the formation of a game conservation area can be made by a party owning a property unit intended for inclusion in the area. The application shall be made to the County Administrative Board.

Section 10. The application documents shall contain

1. particulars of the property units intended for inclusion in the game conservation area, their acreage, the names and addresses of the owners and a map of the game conservation area,
2. draft articles for the game conservation area association,
3. an investigation report concerning the property owners' attitude to the question of forming the game conservation area.

Section 11. The question of forming a game conservation area shall be investigated in a executory procedure directed by an executory officer, unless it is clear that the prerequisites for the formation are lacking.

The County Administrative Board may, however, without any prior executory procedure, decide to form a game conservation area if all the property unit owners are agreed on this or if an executory procedure is otherwise considered unnecessary.

Section 12. On the basis of the application documents and matters otherwise emerging, the executory officer shall draw up a proposal concerning the property units which should be included in the game conservation area and the articles which should apply to the game conservation area association.

These proposals shall be discussed at a meeting in the presence of the executory

officer.

Section 13. The executory officer shall give the property unit owners notice of the meeting. The notice shall contain a brief description of the intended area formation and particulars of the time and place when and where the application documents are available. The interested parties shall be served with notice well in advance of the meeting.

The provisions of Subsection 1 shall also apply, *mutatis mutandis*, when a new meeting is scheduled. If the time and place of the next meeting have been announced at a meeting, notice need not be given to a party who had been duly notified of the meeting at which the announcement was made.

Section 14. In the executory procedure, the property owners shall be given the opportunity of a hearing and of submitting evidence in matters material to the formation.

Section 15. The executory officer shall make a statement as to whether the game conservation area should be formed. If the executory officer finds that it should be formed, his statement shall include a proposal concerning the property units to be included in the game conservation area and draft articles for the game conservation area association.

The executory procedure ends with the statement and other executory documents being presented to the owners of the property unit at a time and place determined at a meeting. The documents shall then be kept available for inspection for one month.

Following the expiry of this period, the executory officer shall transmit the executory documents to the County Administrative Board, together with any objections which may have been raised.

Articles

Section 16. The articles of a game conservation area association shall set forth

1. whether hunting as referred to in Section 23 (1) shall be conducted within the area,
2. the extent to which the association shall be empowered to decide questions referred to in Sections 23-26,
3. the conditions applying to decisions by the association in matters referred to in Sections 23-25,
4. the other guidelines applying to the association's activities.
5. the grounds for setting charges payable to the association,
6. the grounds for decisions concerning suspension from area hunting and communal hunting.

Section 17. A decision concerning amendment of the articles in the respects referred to in Section 16 may not be implemented before it has been ratified by the County Administrative Board.

Organisation

Section 18. The game conservation area association shall have a governing body.

The association may not acquire rights or enter into liabilities before statutes have been adopted and a governing body appointed. The governing body represents the association vis-à-vis third parties.

Section 19. The right of the members to participate in the management of the game conservation area association's affairs is exercised at the association meeting of the game conservation area association.

Section 20. For voting and decisions at the association meeting of the game conservation area association, the following shall apply, failing special provision to the contrary in this Act:

1. only members who are property owners may vote in matters referred to in Sections 23-25 and 27-29, and they shall have one vote each unless any such member requests that the number of votes instead be computed according to the acreage of the property unit,
2. each member has one vote in other matters,
3. no person may vote for more than one-fifth of the number of votes represented at the association meeting,
4. the opinion gaining the highest number of votes shall count as the association meeting's decision,
5. elections shall, in the event of a tied vote, be decided by the drawing of lots, and in other matters the opinion shared by the largest number of voters or, if votes are equally divided, by the chairman of the association meeting shall prevail,
6. a decision concerning amendment of the articles is valid if made at two consecutive association meetings and not opposed by more than one-fifth of the property owners or of the property owners owning more than one-fifth of the acreage of the game conservation area,
7. a decision concerning amendment of the articles shall be valid only if the proposed amendment was included in the notice of the association meeting.

Special conditions for certain decisions

Section 21. A decision by a game conservation area association as referred to in Sections 23-25 and 27-29 shall be made at an association meeting of the association.

Activities

Section 22. A decision by a game conservation area association in game conservation issues other than those indicated in Sections 23-25 may not entail, contrary to the wishes of any party, restriction of that party's right to hunt or otherwise use a property unit within the game conservation area.

A game conservation area association may make decisions as referred to in Sections 23-27 only if the articles so indicate.

Section 23. If necessary having regard to game conservation, a game conservation area association may, to the extent compatible with the provisions of hunting legislation concerning open seasons and hunting permits, resolve that elk, red deer, fallow deer, roe deer and other small game may be hunted

1. throughout the game conservation area, irrespective of property unit boundaries (area hunting),

2. and then only together with other hunting rights proprietors (communal hunting).

If area hunting is to be conducted, a game conservation area association may decide the extent and focus of the shoot.

Section 24. To the extent compatible with the provisions of hunting legislation concerning open seasons and hunting permits, a game conservation area association may also decide concerning area hunting and communal hunting of bear, wolverine, wolf, lynx and wild boar if manifestly necessary in order to limit damage caused by such game.

Section 25. A game conservation area may decide that a permit (hunting rights certificate) shall be required for area hunting and communal hunting as provided in Sections 23 and 24. The association may require a certain minimum acreage holding for a property owner to be allotted more than one hunting rights certificate.

Section 26. A game conservation area association may decide that a member or a hunting rights proprietor in breach of a rule resolved on by authority of Sections 23-25 shall be debarred from area hunting and communal hunting. A decision of this kind may not refer to a period of more than one year.

Game killed contrary to the shooting rules of the game conservation area association accrues to the association.

Section 27. In its articles a game conservation area association may stipulate permission from the association for the grant and transfer of hunting rights within a game conservation area.

Permission may be refused only if

1. the party to whom the hunting rights are granted or transferred does not possess land within the game conservation area of the magnitude indicated in the association's articles,

2. the grant or transfer can otherwise be considered inappropriate having regard to game conservation, or is otherwise of considerable inconvenience to the members.

The game conservation area association may grant area hunting rights.

Section 28. If a property owner who for moral reasons is opposed to hunting so requests, his property unit shall be excluded from area hunting and communal hunting.

Section 29. A game conservation area association may decide that charges are to be paid for hunting within the game conservation area and for game brought down.

Section 30. A game conservation area association may not engage in activity alien to the purpose which the game conservation area is to promote.

Decisions by authority of this Act may not be so far-reaching that current land use is considerably impeded within the affected part of a property unit within the area.

Alteration and dissolution of a game conservation area

Section 31. On application being made by the governing body of the game

conservation area associations concerned, the County Administrative Board may resolve to

1. merge several game conservation areas into a single game conservation area,
2. divide a game conservation area into several game conservation areas.

For assessment of the question of such re-formation, the provisions on the conditions and procedure for the formation of a game conservation area shall apply.

Section 32. On application being made by the governing body of the game conservation area association, the County Administrative Board may resolve the affiliation of a property unit to the game conservation area. Such affiliation requires the consent of the property unit owner and, if the property unit is included in another game conservation area, the game conservation area association for that area.

Section 33. On application being made by the owner of the property unit or the game conservation area association, the County Administrative Board may resolve on the exclusion from the game conservation area of

1. a property unit which, by reason of changed use or otherwise, is of no significant importance for activities within the area,
2. a property unit or several property units having the same owner which can constitute a separate unit for game conservation, if other property units within the game conservation area can continue as a suitable area of this kind.

If the property owner and the game conservation area association are agreed on exclusion as referred to in Subsection 1 paragraph 1, the association may decide the question.

Section 34. The County Administrative Board may resolve on the termination of the game conservation area and the dissolution of the game conservation area association if

1. at an association meeting, more than one-fifth of the property owners, or the property owners owning more than one-fifth of the acreage of the game conservation area, declare themselves in favour of dissolution,
2. the game conservation area association has no governing body, or
3. the game conservation area association seriously mismanages the administration of the game conservation area.

If the game conservation area is located within a land consolidation area as referred to in Section 1 of the Land Acquisition Act (1979:230), then instead of the provision in Subsection 1 paragraph 1, the rule shall be if more than half the property owners, or the property owners owning more than half the acreage of the game conservation area have declared themselves in favour of dissolution.

If a vote is taken in the matter of dissolution, Section 7 (3) shall apply.

A dissolution decision pursuant to Subsection 1 paragraph 1 may be issued not less than three years from the decision on the formation of the game conservation area acquiring force of law.

Section 35. The County Administrative Board may order questions referred to in Section 31, 33 or 34 to be investigated by executory procedure before it makes a decision.

Sections 12-15 shall apply, *mutatis mutandis*, concerning the conduct of such an executory procedure.

Section 36. At the dissolution of a game conservation area association, the provision of Section 62 of the Joint Property Units (Management) Act (1973:1150) shall apply.

If a game conservation area association is declared bankrupt and wound up without a surplus, it shall, in derogation of the foregoing, be dissolved when the bankruptcy is concluded.

Appeal

Section 37. A decision by the association meeting or governing body of the game conservation area association may be contested by appeal to the County Administrative Board by the party whose rights are affected by the decision, if the decision has gone against him or her, in matters concerning

1. hunting and other game conservation,
2. membership of the association as provided in Section 4,
3. disqualification from area hunting as provided in Section 26,
4. grant and transfer of hunting rights as provided in Section 27,
5. a charge as provided in Section 29 or
6. exclusion from the association as provided in Section 33 (2).

The appeal shall reach the County Administrative Board within four weeks of the decision date. In the matter of appeal against decisions by the governing body, however, the time limit shall be counted from the day on which the appellant was apprised of the decision.

The decision by the association meeting of the association or the governing body shall apply, any appeal notwithstanding, unless otherwise resolved by the County Administrative Board.

Section 38. A decision by the County Administrative Board under this Act may be appealed to a general administrative court.

Appeal to the administrative court of appeal is subject to leave of appeal.

When a decision by the County Administrative Board, the county administrative court or the administrative court of appeal under this Act affects such a large number of persons that copies of the decision cannot conveniently be supplied to each of them, an announcement concerning the decision shall be published in local newspaper. The time for appeal shall be counted from the day on which the announcement was made.

A decision by the County Administrative Board shall take effect immediately, unless otherwise indicated in the record of decision.