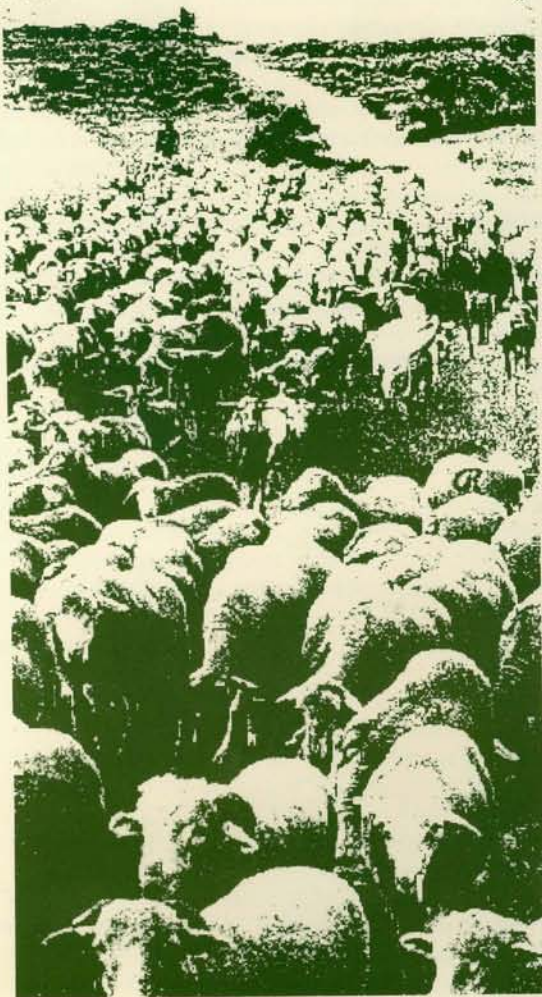


**INGLÉS**



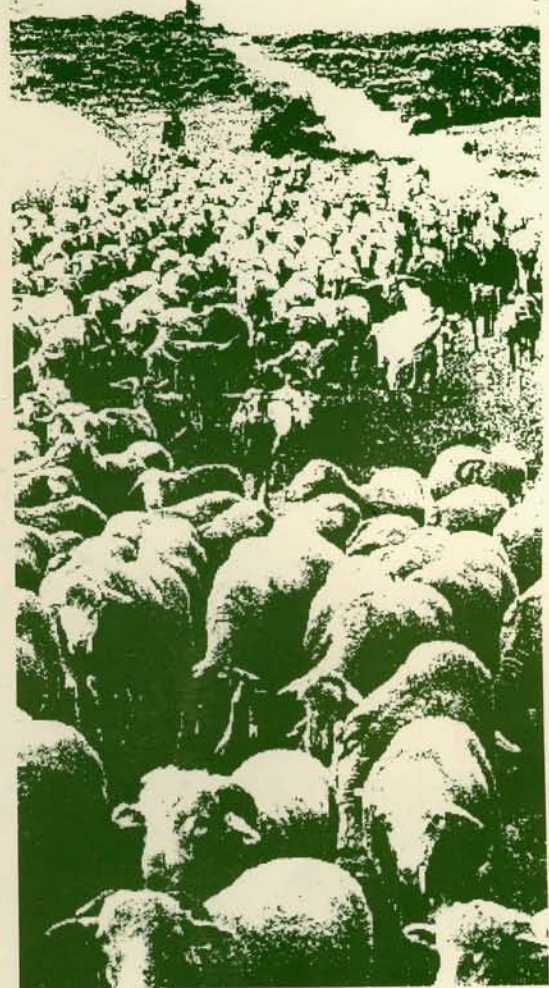
Act 3/1995 of 23 March on

# CATTLE TRAILS



SECRETARIA GENERAL DE  
MEDIO AMBIENTE

DIRECCIÓN GENERAL  
DE CONSERVACIÓN DE  
LA NATURALEZA



Ley 3/1995, de 23 de marzo  
de

# VIAS PECUARIAS



SECRETARIA GENERAL DE  
MEDIO AMBIENTE

DIRECCIÓN GENERAL  
DE CONSERVACIÓN DE  
LA NATURALEZA

# THE SPANISH STATE

95.2/10     *ACT 3/95 of 23 March on Cattle Trails*  
*Official State Gazette number 71 of 24 March, 1995*

JUAN CARLOS I

KING OF SPAIN

To all those who were to see and be concerned with this actual  
Know you all: That Parliament has approved and I sanction the  
following Act:

## STATED PURPOSE

### I

This Act lays down the legal system for cattle trails. Thus, the State exercises the exclusive authority as attributed thereto by article 149.1.23 of the Constitution to decree basic legislation on this subject.

The economic and social importance involved in seasonal migration to new pastures during centuries is not held in doubt. Eloquent proof of such importance is provided by the support lent by monarchs to this activity as from the Lower Middle Ages by creating, protecting or strengthening the incipient pastoral groups *juntas*, *ledgeless*, *mesas* which, in time, became powerful guilds - its most significant example is the *Honrado Concejo de la Mesta* (The Honourable Council of la *Mesta*) - under whose protection, livestock grazed on supplementary pastures thanks to their periodical journeys over *cañadas reales* (royal livestock routes) and other cattle trails. This was instrumental in the development of a strong wool market with international reverberations in the Modern Ages.

However, seasonal migration rapidly declined as from the beginning of the Contemporary Ages, and worsened with the abolition of the

*Mesta* (1836) and communal disentailment. The result, of course, was less use made of cattle trails and growing intrusion on their infrastructure. Hence, the herds' gradual abandonment of the network of routes and the correlative use of road and railway transport. This does not prevent seasonal migration on foot surviving to our day, though increasingly less evident, and coexisting with other shorter route journeys either between provinces or adjoining regions (*trasterminancia*) or between grazing land and stubble fields in one and the same municipal district.

Thus, the cattle trail network is still providing a service to the national livestock herd operating on the extensive system, with favourable repercussions for making use of under-used grazable resources and for conserving autochthonous races; cattle trails are also to be considered as authentic "ecological corridors", essential to migration, geographical distribution and the genetic exchange of wild species.

Finally, heeding a growing social demand, cattle trails may well constitute an instrument favouring man's contact with nature and environmental order.

This all turns the cattle trail network - with its attached cultural connotations - into a historic legacy of supreme interest, the only one in Europe. However, its conservation is in no way guaranteed by current regulations. In fact, even though Act 22/1974 of 27 June on Cattle Trails recognizes the public nature of these assets, declaring that they cannot be prescribed or disposed of, it nevertheless considers that those trails or part thereof which are not deemed useful from the strict livestock movement or agricultural connections point of view are unnecessary or surplus and, therefore, disposable. This point of view is further extended by its implementation Regulation of 3 November, 1978 whereby it even includes the actual intruders themselves as rightful owners of the public domain. Hence the need to decree a new actual.

## II

This Act is structured into five parts.

The first part, in which general provisions are given, defines cattle trails, keeping to the use which has traditionally been made thereof, and livestock movement, without prejudice to compatible and complementary uses dealt with in part II. Likewise, whilst continuing an already centennial legal characterization, the public nature of these trails is established and their ownership is attributed to the Autonomous Regions. On their part, the latter are to take actions towards conserving and adapting the trail network as well as guaranteeing public use thereof. This part closes with a description of the types of cattle trails, generally maintaining the traditional tripartite division in routes, drives and paths (*cañadas, cordeles y veredas*) with the maximum widths recognized, the names of which are declared compatible with those others they receive in Castilian Spanish and the remaining co-official languages of the pertinent Autonomous Regions, under the names of *azagadores, cabañeras, caminos ganaderos, carreradas, galianas, ramales, traviesas*, etc.

Part I, entitled "On the creation, determination and administration of cattle trails" is structured into four chapters. The first deals with administrative powers over such trails, which are to be

exercised by the Autonomous Regions: investigation, classification, surveying and marking boundaries, deallocation and any other acts related thereto; the possibility of creating, extending or re-establishing cattle trails is also provided for. Such actions bear with them a declaration of public utility to the effects of expropriation of properties and rights affected. The second chapter addresses the classification, surveying and marking the boundaries of cattle trails and, as a legislative novelty, lays down that an approving resolution on the demarkation will be sufficient title to rectify legal registration situations contrary to the said demarkation, as well as for the registration of properties of public domain whose boundaries are defined in those cases deemed appropriate. The third chapter addresses deallocations and modifications of cattle trail routings, restricting the cases of deallocation to those trails or sections thereof which are not appropriate for the movement of cattle or liable for compatible and complementary uses referred to in Part II. After deallocation, routing modifications, if such be the case, shall ensure that surface area integrity and the suitability of the itineraries and routings are maintained with the purpose of adequately and effectively conserving the public use of cattle trails. The fourth chapter regulates temporary occupancy and surplus uses of cattle trails, restricting the former to a term not exceeding ten years, without prejudice to subsequent renewals.

Part II, which defines compatible and complementary uses, always in relation to livestock movement, constitutes one of the most significant novelties of the new regulations, inasmuch as it places cattle trails at the service of citizens' culture and recreation and turns them into one more instrument of nature conservancy policy.

Part III introduces a further legislative novelty, the creation of a National Cattle Trail Network into which all livestock routes and those other cattle trails guaranteeing their continuity are integrated, provided their itinerary runs between two or more Autonomous Regions, as well as cattle trails acting as a link for cross-border movements. Cases of deallocation and expropriation, together with legal acquisition transactions affecting cattle trail land integrated into the National Network shall be dealt with by the Ministry of Agriculture, Fish and Food.

Part IV and the last in the Act minutely enumerates administrative infringements and determines the respective sanctions. As is already normal in public domain regulating, the infringer's obligation to repair the damage caused is established, irrespective of the criminal or administrative sanctions appropriate to each case.

## PRELIMINARY PART

### General provisions

#### Article 1. *Purpose and definition.*

1. The object of this Act, in accordance with article 149.1.23 of the Constitution, is to set own the basic regulations as applicable to cattle trails.

2. Cattle trails are understood to be the routes or itineraries over which livestock movements occur or have been traditionally occurring.

3. Likewise, cattle trails may be assigned to other compatible and complementary uses in terms conforming to their nature and ends, with priority being given to cattle movement and other rural uses, whilst being inspired on sustainable development and respect for the environment, scenery and natural and cultural heritage.

#### Article 2. *Legal nature of cattle trails.*

Cattle trails are public domain assets of the Autonomous Regions and, consequently, unalienable, unprescribable and unattachable.

#### Article 3. *Ends.*

1. The Autonomous Regions' actions with regard to cattle trails will pursue the following ends:

a) To regulate the use of cattle trails in keeping with the State's basic regulations.

b) To exercise administrative powers in defence of the cattle trails' integrity.

c) To guarantee public use thereof both when serving to facilitate livestock movement and when assigned to other compatible or complementary uses.

d) To ensure adequate conservation of cattle trails, as well as of other environmental elements or culturally valuable items directly linked thereto by adopting the necessary protection and restoration measures.

2. With the purpose of cooperating with Autonomous Regions in ensuring the integrity and adequate conservation of cattle trail public domain, the Ministry of Agriculture, Fish and Food may provide financial aid and technical assistance for undertaking whatever actions may lead to achieving such end.

#### Article 4. *Types of cattle trails.*

1. Cattle trails are generally called routes, drives and paths (*cañadas*, *cordeles* and *veredas*).

a) Routes (*cañadas*) are those trails which do not exceed 75 metres in width.

b) They are drives (*cordeles*) when their width does not exceed 37.5 metres.

c) Paths (*veredas*) are trails whose width does not exceed 20 metres.

2. These names are compatible with others of a customary nature such as *azagadores*, *cabañeras*, *caminos ganaderos*, *carreradas*, *galianas*, *ramales*, *traviesas* and others they receive in the other official languages in Spain.

3. Watering places, resting places, sheepfolds and other places associated with livestock movement shall have the area as determined by the administrative cattle trail classification document. Likewise, the width of cattle runs will be determined by this classification document.

## PART I

### On the creation, determination and administration of cattle trails

#### CHAPTER I

##### ADMINISTRATIVE POWERS OVER CATTLE TRAILS

#### Article 5. *Conservation and defence of cattle trails.*

As far as cattle trails are concerned, the following befall the Autonomous Regions:

a) The right and duty to investigate the situation of the land it is assumed belongs to cattle trails.

b) Classification

c) Demarkation

d) Boundary marking

e) Deallocation

f) Any other acts related thereto.

#### Article 6. *Creation, extension and re-establishment.*

It befalls the Autonomous Regions to create, extend and re-establish cattle trails in their respective territories. Such actions bear with them a declaration of public utility to the effects of expropriation of the properties and rights affected.

#### CHAPTER II

##### CLASSIFICATION, DEMARKATION AND BOUNDARY MARKING

#### Article 7. *Classification procedure*

Classification is the administrative procedure of a declaratory nature by virtue whereof the existence, width, routing and other general physical characteristics of each cattle trail are determined.

#### Article 8. *Demarkation.*

1. Demarkation is the administrative procedure whereby the limits of cattle trails are defined in accordance with what is laid down in the classification procedure.

2. The demarkation document will necessarily include the list of occupancies, intrusions and contiguous properties.

3. The demarkation approved declares the possession and public ownership in favour of the Autonomous Region, giving rise to boundary marking without registrations in the Property Registry prevailing against the public nature of the demarked properties.

4. The demarkation approval resolution will be sufficient title to rectify legal registration situations contrary to such demarkation, in the

manner and under the conditions as may be reglementarily determined. This resolution will be sufficient title for the Autonomous Region to proceed with the registration of the public domain properties when it deems fit. In any event, whomsoever considers they are affected by the demarkation approval resolution may take the actions they deem pertinent in defence of their rights and request a caveat on the relevant legal claim.

5. When those involved in a demarkation process provide titles registered in the Property Registry over land which may prove to be included in the public domain, the body dealing with such process will inform the Registrar thereof so that, through the latter, a record of such circumstance is annotated in the margin.

6. Civil actions on rights relating to land included in the demarked public domain lapse after five years, counting as from the date the demarkation is approved.

7. The pertinent Town Council, neighbouring owners, after notification, and concerned organizations or collectives whose interest is the defence of the environment, will be heard in the proceedings.

#### Article 9. *Boundary marking.*

Boundary marking is the administrative procedure by virtue of which, once the demarkation is approved, the limits of the cattle trail are determined and permanently marked on the ground.

### CHAPTER III

#### DEALLOCATIONS AND MODIFICATIONS OF THE ROUTING

#### Article 10. *Deallocation.*

In exercising the faculties as conferred thereon by article 5, subparagraph e), Autonomous Regions may deallocate cattle trail land from the public domain which is not suitable for livestock movement or for the compatible or complementary uses to which part II of this Act refers.

Land already deallocated or which will be deallocated in the future is deemed as assets of the Autonomous Regions and public or social interest will prevail in assigning a use thereto.

#### Article 11. *Modifications to the routing.*

1. For reasons of public interest and, as an exception, with reasoned private interest in mind, after deallocation, the routing of a cattle trail may be varied or diverted, provided that keeping surface area integrity, suitability of the itineraries and routings, together with cattle movement and other compatible and complementary uses are ensured.

2. Modification of a routing will be subjected to prior consultation with local Corporations, Chambers of Agriculture, professional farmers' organizations affected and those organizations or collectives whose purpose is the defence of the environment.

Modification of a routing will be subject to a one month public enquiry.

#### Article 12. *Modifications to the routing as a result of new land planning.*

When a public work planned on land through which a cattle trail runs, the Administration involved shall ensure that the alternative cattle trail routing will guarantee that its characteristics and continuity of cattle movement and its itinerary as well as other compatible and complementary uses are maintained.

#### Article 13. *Modifications through public works on cattle trail land.*

1. When a public work is planned on land over which a cattle trail runs, the Administration involved shall ensure the alternative cattle trail routing guarantees that its characteristics and continuity of cattle movement and its itinerary as well as other compatible and complementary uses are maintained.

2. Where cattle trails cross with railway lines or roads, sufficient level crossings or crossing on a different level shall be provided and guarantee rapid, easy livestock movement.

### CHAPTER IV

#### Occupancies and exploitations on cattle trails

#### Article 14. *Temporary occupancies.*

For reasons of public interest and, as an exception, with reasoned private interest in mind, temporary type occupancies may be authorized provided such occupancies do not disturb livestock movement nor hinder other compatible or complementary uses.

In any event, such occupancies may not last more than 10 years, without prejudice to subsequent renewal. They will be subjected to a one month public enquiry and must have a report from the Town Council in whose district they lie.

#### Article 15. *Uses of surplus products.*

1. Advantage may be taken of fruit and products not used by livestock in normal livestock movement.

2. Exploitations will be temporary in nature and will not last more than ten years. They will be granted subject to the principles of advertising and tender. Exploitations may be revised:

- a) When the circumstances leading to their grant change.
- b) In the event of *force majeure* at the behest of the beneficiaries.

3. The amount involved as regards the public price charged, should such be the case, for fruit and exploitations of cattle tracks will be assigned to the latter's upkeep, surveillance and improvement.

## PART II

### On compatible and complementary uses of Cattle trails

#### Article 16. *Compatible uses.*

1. Traditional uses which, whilst being agricultural in nature and not having the legal nature of occupancy, may be exercised in harmony with livestock movement are deemed compatible with cattle husbandry.

Rural traffic and, particularly, the movement of vehicles and farm machinery shall respect the priority of livestock crossings and avoid forcing livestock to divert or interrupting their movement for an extended period of time. As an exception, for a specific, concrete use, Autonomous Regions may authorize motor driven vehicle traffic other than those of a farm type. Such authorization excludes cattle trails at the time when livestock are moving thereon and those others of an ecological and cultural interest.

2. Linear, windbreak or ornamental plantations shall also be compatible when they allow livestock to move in a normal fashion.

#### Article 17. *Complementary uses.*

1. Walking, hiking, horse-riding and other forms of movement as a sport on non motor driven vehicles are deemed to be complementary uses provided the priority of cattle movement is respected.

2. Temporary installations necessary for exercising the aforesaid activities may be set up on cattle trail land in accordance with article 14.

To do so, the Town Hall must be informed and authorization from the Autonomous Region shall be necessary.

3. When certain uses on cattle trail land may be incompatible with the protection of sensitive ecosystems, forest stands with a high fire risk, protected species and traditional sports, the appropriate Administrations may establish temporary restrictions on complementary uses.

## PART III

### National cattle trail network

#### Article 18. *National Cattle Trail Network*

1. Provided their itinerary runs between two or more Autonomous Regions, all *cañadas* (routes) and other cattle trails guaranteeing the latters' continuity and also cattle trails acting as a link for cross-border livestock movement are integrated into the National Cattle Trail Network as set up hereby.

2. Other cattle trails which run through the respective lands of the Autonomous Regions and connect with the National Network may also be incorporated into the latter at the request of the said Autonomous Regions.

3. After a report from the Ministry of Agriculture, Fish and Food, the Autonomous Regions have the authority over deallocation and expropriation processes affecting land involving cattle trails integrated into the National Network

4. Resolutions approving the demarkation of cattle trails which, in accordance with sub-section 1 of this article, should be integrated into the Network, shall record this circumstance. Signposting thereof shall necessarily indicate their integration into the National Network.

5. Classification and other subsequent administrative procedures affecting cattle trails integrated into the National Network will be incorporated into the Ministry of Agriculture, Fish and Food's Documentary Collection on Cattle Trails. To these effects, the Autonomous Regions will furnish sufficient information relating to such procedures.

## PART IV

### On infringements and sanctions

#### Article 19. *General Provisions.*

1. Actions or omissions infringing the provisions of this Act shall generate liability of an administrative nature without prejudice to that enforceable in criminal or civil action or in any other kind, in which those responsible therefor may incur.

2. When it is not possible to determine the degree of involvement of the different persons who had intervened in the infringement, liability will be joint and several, without prejudice to the right of the one or ones who had faced the liabilities to take action for recovery against the others involved.

3. In no event shall a double penalty for the same deeds and as a function of the same protected public interests be incurred, even though other liabilities inferred as regards other concurrent deeds or infringements may be demanded.

#### Article 20. *Repair of damage.*

1. Without prejudice to the criminal or administrative sanctions which may be appropriate in each case, the infringer shall repair the damage caused. The purpose of the repair shall be as far as possible to achieve restoration of the cattle trail to the condition it was in prior to the aggression to which it was subjected.

Should it not be possible to restore the damage in the same place, it shall be recovered in another space where the purpose of the cattle trail is fulfilled.

2. Likewise, the Autonomous Region's Administration may subsidiarily proceed to make the repair for the account of the infringer and at the expense thereof. In any event, the infringer shall pay for all damages caused in the term which shall be set in the pertinent resolution in each case.

3. Irrespective of those which may be appropriate in respect of a sanction, the sanctioning body may resolve to impose coercive fines in

accordance with the provisions of article 99 of Act 30/1992, once the terms as indicated in the pertinent notification have elapsed. The amount of each of these fines shall not exceed 20% of the fine as set for the relevant infringement.

#### Article 21. *Classification of infringements.*

1. Infringements shall be classed as major, minor and petty.
2. The following are major infringements:
  - a) Altering boundary stones, landmarks or indicators of any kind assigned to showing the limits of cattle trails.
  - b) Unauthorized building or execution of any type of construction work on cattle trail land.
  - c) Setting up obstacles or performing any kind of act which will completely impede the movement of livestock or other compatible and complementary uses.
  - d) Actions or omissions causing damage or impairment in cattle trails or preventing their being used, as well as occupancy thereof without due administrative title.
3. Minor infractions are:
  - a) Unauthorized land clearing or planting carried out in any cattle trail.
  - b) Dumping or spilling waste in the environment delimited by a cattle trail.
  - c) Cutting or felling of trees existing on cattle trails.
  - d) Unauthorized exploitation of cattle trail fruit or products not useable by livestock.
  - e) Undertaking unauthorized construction work or installations of a provisional nature on cattle trails.
  - f) Obstructing the exercising of policing, inspection or surveillance functions as provided for in this actual
  - g) Have been penalized, by a firm decision, for committing two petty offences in a six month period.
4. Petty offences are:
  - a) Actions or omissions causing damage or impairment in cattle trails without preventing the movement of cattle or other compatible or complementary uses thereof.
  - b) Failure to fulfil the conditions as laid down in the pertinent administrative titles.
  - c) Total or partial failure to comply with the prohibitions as set down in this Act and failure to perform any actions which were compulsory according thereto.

#### Article 22. *Penalties.*

1. Infringements as described in article 21 shall be sanctioned with the following fines:
  - a) Petty infringements, a fine of 10,000 to 100,000 pesetas.
  - b) Minor infringements, a fine of 100,001 to 5,000,000 pesetas.
  - c) Major infringements, a fine of 5,000,001 to 25,000,000 pesetas.
2. Penalties shall be imposed in keeping with their repercussion or importance as far as the safety of people and property is concerned, as

well as with the environmental impact and the circumstances of the person responsible, his degree of culpability, recurrence, involvement and profit that might have been obtained and other criteria as provided for in article 131.3 of Act 30/1992 of 26 November on the Legal System of Public Administrations and Common Administrative Procedure.

3. Once firm, penalties imposed for major infringements will be published in the manner as may be reglamentarily determined.

#### Article 23. *Criminal liability.*

When the infringement might possibly constitute a misdeed or offence, the extent of blame will be reported to the Public Prosecutor and prosecution of the penalizing procedure will be suspended until the legal authority hands down a firm decision or resolution ending the process.

The criminal penalty will exclude administrative sanctions in those cases where the individual's identity, the deed and the fundament are appraised. Should the existence of an offence or misdeed not be accepted, the appropriate body will continue, if such be the case, with the penalising process, taking into account the proven facts as stated in the firm decision of the appropriate legal body.

#### Article 24. *Lapsing of infringements and penalties.*

1. Administrative infringements against the provisions of this Act will lapse as follows: major infringements in a term of five years, minor in three years and petty in one year.

2. Penalties as imposed for committing major offences will lapse after three years, whilst those imposed for minor and petty offences will do so in two years and one year respectively.

The infringement lapsing term will commence to run as from the day when the infringement had been committed or as from the day when the action involved therein ended.

#### Article 25. *Authority to penalise.*

Autonomous Regions will hold the authority to commence and resolve on penalising processes, as well as to adopt the precautionary or provisional measures for ensuring the effectiveness of the final resolution handed down.

First additional provision. *Urgent classification of unclassified cattle trails.*

Unclassified cattle trails will conserve their original state and shall be urgently classified.

Second additional provision. *System of dues for registering cattle trails in the Property Register.*

The system of dues for registrations of public domain properties as made in Property Registers to which this Act refers will be determined

by Royal Decree, in keeping with the registry service cost.

Third additional provision. *System for cattle trails crossing through Nature Reserves and Parks.*

1. The use given to cattle trails or sections thereof crossing through land occupied by Parks or Nature Reserves will be determined by the Natural Resource Management Plan and, in addition, in the case of Parks, by the Master Plan for use and management, although the surface area integrity of the trails, the suitability of the itineraries, of routings, together with the continuity of cattle movement and of other compatible and complementary uses thereof will always be ensured.

2. What is laid down in the foregoing sub-section will also be applicable to the Natural Resource Management Plan and to the Plans for the use and management of National Parks included in the State Network.

Sole transitional provision.

Classifications, surveying and marking of boundaries, penalizing processes, needlessness processes, disposals, temporary occupancies and exploitations being prosecuted when this Act comes into force will abide by the basic regulations and requisites as laid down herein.

Sole annulment provision.

Act 22/1974 of 27 June on Cattle Trails and Royal Decree 2876/1978 of 3 November whereby the Regulations on Cattle Trails and all provisions of an equal or lesser standing that oppose what is laid down in this Act are annulled.

First final provision. *Application of the Actual*

The following articles and provisions are basic rules to the effects of the provisions of article 149.1.23 of the Constitution: articles 1 to 7, sub-sections 1 to 3 and 7 of article 8, articles 10 to 17 and 19 to 25, the first additional provision, sub-section 1 of the third additional provision, the sole transitional provision and the first and second final provisions.

The following articles and provisions are fully applicable rules over the whole of Spanish territory by virtue of the provisions of articles 149.1.6 and 8 of the Constitution: sub-sections 4, 5 and 6 of article 8 and the second additional provision.

Second final provision. *Application of Act 30/1992 of 26 November on the Legal System of Public Administrations and Common Administrative Procedure.*

Part IX of Act 30/1992 will be applicable for everything not provide for in part IV of this actual

Third final provision. *Implementing of the Actual*

Within the sphere of their respective authorities, it befalls the

Government and the Autonomous Regions to issue the provisions necessary for implementing this actual.

Fourth final provision. *Penalty updating.*

By Royal Decree, the Government may update the amount of the fines established in this Act in keeping with changes in the consumer price index.

Fifth final provision. *Entry into force of this actual*

This Act will come into force on the day following that when it is published in the *Official State Gazette*.

Therefore,

I enjoin all Spaniards, individuals and authorities to observe this Act and have it observed.

Madrid, 23 March, 1995.

JUAN CARLOS I

The President of the Government,  
FELIPE GONZÁLEZ MÁRQUEZ