LAND REFORM (SCOTLAND) ACT 2003

EXPLANATORY NOTES

THE ACT - AN OVERVIEW

Schedule 2 Amendment and Repeal of Enactments

Criminal Justice and Public Order Act 1994 (c.33)

- 424. Paragraph 11 inserts new subsections (4A) and (4B) in section 61 of the Criminal Justice and Public Order Act 1994. This section gives the police powers to remove two or more persons from land if they have reason to believe that these persons have become trespassers. This amendment clarifies that people who have ceased to be entitled to exercise access rights for the reasons specified in the new subsection (4A)(a) and (b), will be deemed to be trespassers and, therefore, subject to the provisions in section 61 of the 1994 Act.
- 425. Paragraph 12 inserts a new subsection (5A) in section 64 of the 1994 Act. This section allows the police to seize a vehicle or sound equipment in certain circumstances. These include where someone has entered land as a trespasser with a vehicle or sound equipment in contravention of a direction, and the new subsection provides that such conduct is not within the scope of access rights.
- 426. Paragraph 13 inserts a new subsection (1A) in section 68 of the 1994 Act that establishes the offence of aggravated trespass. The new subsection provides that someone exercising access rights in Scotland can be charged with aggravated trespass if engaging in the conduct set out in section 68(1) of the 1994 Act.