

2005 No. 65

LAND REFORM

**The Land Reform (Scotland) Act 2003 (Modification)
Order 2005**

Made - - - - - *8th February 2005*

Coming into force in accordance with article 1

The Scottish Ministers, in exercise of the powers conferred by section 8 of the Land Reform (Scotland) Act 2003(a), and of all other powers enabling them in that behalf, having in accordance with section 8(3) of that Act consulted such persons (and associations representing such persons) whom they consider to have a particular interest in the effect of the Order and such other persons as they think fit, hereby make the following Order, a draft of which has, in accordance with section 98(5) of that Act been approved by a resolution of the Scottish Parliament:

Citation and commencement

1. This Order may be cited as the Land Reform (Scotland) Act 2003 (Modification) Order 2005 and comes into force on the day after the day on which it is made.

Modification of Land Reform (Scotland) Act 2003

2. Section 7 of the Land Reform (Scotland) Act 2003 is modified:—

(a) by inserting after paragraph (b) of subsection (10)—

“(c) does not include land used wholly or mainly—

(i) as woodland or an orchard, or

(ii) for the growing of trees;

but does include land used wholly for the cultivation of tree seedlings in beds;”;

and

(b) by deleting from that subsection the word “forestry”.

LEWIS MACDONALD

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
8th February 2005

EXPLANATORY NOTE

(This note is not part of the Order)

This order modifies the Land Reform (Scotland) Act 2003 by inserting a new provision in section 7(10).

The new provision amends the definition of the expression “land on which crops are growing” as used in section 6(1)(i) of the Act. Section 6 describes the circumstances in which access rights under the Act are not exercisable. Section 6(1)(i) provides that they are not exercisable on land “in which crops have been sown or are growing”. Trees may be crops and therefore land on which they have been sown or are growing may be land on which access rights are not exercisable.

New paragraph 7(10)(c) inserted by the Order removes land used wholly or mainly as woodland or an orchard, or for the growing of trees from the definition of land in which crops have been sown or are growing (article 2(a)). However, provision is also made to continue to include in that definition land used wholly for the intensive cultivation of tree seedlings.

Provision is also made as a consequence to delete the word “forestry” from section 7(10) (article 2(b)).

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